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JOURNAL
OF THE
COUNCIL
OF THE
First Legislative Assembly
OF THE
TERRITORY OF NEVADA.

BEGUN ON THE
FIRST DAY OF OCTOBER AND ENDED ON THE TWENTY-NINTH DAY OF NOVEMBER,
1861 AT CARSON CITY

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JOURNAL
OF THE
PROCEEDINGS OF THE COUNCIL.

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MEMBERS AND OFFICERS OF THE HOUSE.

MEMBERS.

Geller, Solomon	Washoe Valley
Grier, John W	Silver City
Hannah Thomas	Gold Hill
Luthei, Ira M	Genoa
Pray, A W	Virginia City
Pugh, J W	Aurora
Roop, Isaac	Honey Lake
Stewart, Wm M	Carson City
Van Bokkelen, J L	Virginia City

OFFICERS.

<i>President</i>	J L VAN BOKKELEN
<i>Secretary</i>	HENRY O. SMEATHAM
<i>Assistant Secretary</i>	WM H BARSTOW
<i>Sergeant-at-Arms</i>	NOAH T CARPENTER
<i>Messenger</i>	P H SHANNON
<i>Page</i>	HENRY LEWIS

JOURNAL
OF THE
C O U N C I L
OF THE
TERRITORY OF NEVADA.

FIRST SESSION

FIRST DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
CARSON CITY, TERRITORY OF NEVADA, }
Tuesday, October 1, 1861. }

By virtue of a proclamation issued by His Excellency the Hon. JAS W. NYE, Governor of the Territory of Nevada, bearing date the eighth day of August, A. D. one thousand eight hundred and sixty-one,

The members of the Council for this Territory were directed to assemble on this day, at Carson City, Carson county, Territory of Nevada, for the dispatch of business.

At 12½, P. M., of the first day of October, in the year of our Lord one thousand eight hundred and sixty-one (1861), the Secretary of the Territory, the Hon. Orion Clemens, called the members to order, when the following gentlemen answered to their names:

John W. Pugh, ... 1st District.
Wm. M. Stewart 3d "

John Wilson Grier,	4th District.
Thos. Hannah,	5th "
Augustine W. Pray,	6th "
Jacob L. Van Bokkelen,	6th "
Solomon Geller, ..	7th "
Absent,	
Ira M. Luther,	2nd District,
Isaac Roop, ...	9th "

Prayer by the Rev. Mr. Bennett.

The Hon. George Turner, Chief Justice of the Supreme Court of Nevada Territory, then read the following printed oath, which was sworn to and subscribed by the Honorable members present, respectively :

I, ———, do solemnly swear, that I will support, protect and defend the Constitution and Government of the United States, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature, to the contrary notwithstanding ; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion, whatsoever ; and further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

Sworn to and subscribed before me, this ——— day of ———.

Upon the Hon. Solomon Geller, member of the 7th district, being called to take the oath, a protest, signed by Geo. W. Hepperly, was entered and placed on file ; the same being entered by his attorneys —Messrs. Clayton, Musser, Smith and Lindsey.

The Secretary of the Territory then requested the members present to nominate their President *pro tempore*, whereon

The Hon. Thomas Hannah was nominated President of the Council during the temporary organization, who took his seat accordingly.

The House then proceeded to the nomination of a Secretary of the Council *pro tempore*, when

Henry Smeathman was nominated, who being duly sworn, and having subscribed to the oath as read by the Chief Justice of the

Supreme Court of the Territory of Nevada, took his seat at the desk as such Secretary.

The Hon. Ira M. Luther, of the 2nd district, having entered the Council chamber, was called to the chair, and swore to and subscribed the oath as administered by the Honorable the Chief Justice of the Supreme Court of the Territory of Nevada.

The following resolution was then moved by the Hon. John W. Grier, and seconded by the Hon. Wm. M. Stewart:

Resolved, That a committee of three be appointed by the Chair to prepare rules and regulations for the permanent government of the Council.

Which resolution being put, was carried; whereupon

The Chair appointed, as such committee: Hon. J. W. Grier, Chairman, John W. Pugh and A. W. Pray.

It was moved and seconded that this House do now take a recess until 3, P. M. Carried.

THREE O'CLOCK, P. M.

The members reassembled, when the roll was called.

Absent: Ira M. Luther.

This gentleman shortly after entered, and answering to his name, took his seat

The Hon. Thomas Hannah, President *pro tempore*, in the chair.

The House proceeded to the election of a President of the Council, to hold office during the present term; when it was proposed and seconded that the Hon. Jacob L. Van Bokkelen, of the 6th district, be elected as such President.

Proceeded to ballot, when the following members voted aye:

The Hon. John W. Grier, John W. Pugh, Wm. M. Stewart, Thos. Hannah, A. W. Pray, Solomon Geller, Ira M. Luther.

J. L. Van Bokkelen voting for Stewart.

Whereupon it was declared that Jacob L. Van Bokkelen be declared unanimously elected as 1st President of the permanent organization of the Council of the Territory of Nevada. Whereupon the Hon. J. L. Van Bokkelen took his seat as such President.

THE PRESIDENT'S SPEECH.

On taking the chair, Mr. Van Bokkelen said:—Gentlemen of the Council: On entering upon this honorable and important position, it becomes my duty to return my sincere thanks for the honor conferred, and I can assure you that it is with no empty expression of words that I thank you, but it truly comes from the heart. I deem the honor the greater because it is the first Legislative Assembly convened in this our prosperous and growing adopted home. Called together, as we are, to legislate for a people who have heretofore virtually lived in the absence of all law it will be our duty to look well to the manner in which we discharge the high trust confided to our hands. Our numbers being small we can meet more as a family circle than as a formal legislative body and I trust that all our actions may be characterized by harmony, and a sincere desire to promote the best interests of our Territory; and that nothing may occur during our sessions to mar the good feeling which at present evidently exists among us. We are called upon to make laws of a peculiar character, to protect and perpetuate interests that differ essentially from those of most of the other Territories, which have been or are now about being organized. The principal resources of this Territory exist in its marvelously rich mines, which for their proper development and advancement require judicious though positive enactments, by which titles to them can be secured, and permanency given to that class of property, and that by such means we may invite foreign capital to seek investment among us. For without the aid of foreign capital our mines must languish, and the rewards for which we are now toiling will be delayed. Therefore, let us so legislate that all persons abroad having capital to invest may be assured that when they turn their attention here their rights will be well protected by the laws.

Our agricultural interests, although at the present time deemed unimportant, must improve year after year. Upon an early entry as pioneers into California, few of us thought that its now fertile plains were susceptible of cultivation; may we not find that we have committed the same error in judging of the agricultural resources of our own Territory.

You will bear in mind that the fundamental law by which we are to be governed in our legislation has been enacted for us by the

Federal Government, and by that fundamental law we must be guided. Let us take care that we do not overstep the bounds of Congressional enactments, and thus render all our own acts nugatory. Let it be our endeavor to pass no act which will not meet with the ready and cordial approval of our esteemed Governor, for it is highly essential that we should all work harmoniously together. Let us study the strictest economy. The appropriations made by the General Government for the incidental expenses of this Legislature we should deem ample, although at a first glance they appear meagre. Situated as our country is, let us endeavor to save every dollar for her defense, instead of permitting extravagant expenditures here. We are not in a position to render any material aid in men for the support of our Government in this its day of trial, but let us send it a true and cordial assurance that we are for the Union now and forever. That in the Territory of Nevada the damnable doctrine of Secession can never obtain a foothold. When we contemplate the horrible picture presented to us of Americans becoming the assassins of their country, and sacrilegiously tearing from the places where it has heretofore proudly waved, our glorious flag—the stars and stripes—bequeathed to us by patriot sires, should it not make every American's heart glow with honest indignation and impel him to raise his arm to strike down the parricidal ingrates? God grant that before many months shall roll away we may again be restored to our former peaceful state, and that attitude of national unity and strength which has heretofore challenged the admiration of the world. We meet here, each and every one of us, elected on what is known as the Union ticket—not on old party issues, but each of us believed by our constituents to be thoroughly imbued with the one sentiment of fidelity to our country, pledged to preserve our own nationality, and bequeath it to our children as we received it from our sires. Let the heresy of the right of secession prevail, and we will find ourselves cast lower in the scale of nations than the Mexican or South American Republics. Let the present proposed division of our Union be consummated, and in a few weeks after its recognition I predict you would see the Southern Confederacy itself divided. And in less than six months later another subdivision would take place; and so secession would continue until it reduced itself to such an infinitesimal point that each village, town and hamlet would claim, advocate and enforce the doctrine. We have a warning in the past and present positions of Mexico and the South American Governments, where the monarch of to-day is the slave of to-morrow, and where he who can obtain a handful of followers and a purse with which to arm a few soldiers,

forthwith publishes his pronunciamiento and assumes the reins of Government, imprisoning, putting to death or driving into exile the previous rulers, and being himself in turn and in the same manner overridden by the next aspirant. So will it be with us if we permit secession to prevail; and our common school system, which has been the blessing of the land, has produced among us a thousand men with aspirations to rule, where in those countries, destitute mainly of the means of education, there would be but one with such aspirations. This illustration, drawn from history, shows us that if the baneful doctrine of secession be carried out to its ultimate results, it will divide us into such fragments that our name will cease to exist or be recorded in the annals of the world.

We shall be called upon to enact a Revenue Bill to sustain the government of this Territory. In considering that matter let us look back to the hasty, extravagant and imprudent legislation that has characterized the formation of new governments upon the Pacific slope, and let us learn a lesson of wisdom from the acts of squandering there perpetrated. Let us bear in mind that to be a prosperous, happy people, and to encourage immigration, our taxes must be low. I am opposed to the creation of any office for an individual. Offices should be made for the benefit of the people, not for the benefit of their incumbents. Hence, I trust that we shall all join in a common determination to attach no high fees to any office, so as to induce the profligate to seek it with the view of becoming rich from its spoils in a single year. On the contrary, let us attach to each office fees sufficient only to place it in a position of respectability, and to keep its incumbent on a par with the honest laborer, who toils from the rising of the sun to its setting to earn his daily bread.

In the enactment of our civil code we must, in a great measure, copy from the laws of other States and Territories. Very little in this direction can be original; we will have chiefly to localize the laws of other States and Territories, so as to suit our own peculiar wants. Of necessity much of our business must be transacted in Committee of the Whole, and this I deem will be most expedient in order to avoid incumbering our journal with useless and frivolous motions and amendments.

We have all, this day, taken upon us a solemn and binding obligation. It is strange that at this stage of the history of our country, American citizens should be called upon to take an oath of allegiance to their own country; but when traitors are in our midst, and the assassin's hand is raised to destroy our government, we do no dishonor to ourselves, and cast no reflection upon our manhood or citizenship, by coming freely forward, and renewing at the altar of

our country our devotion to her and her legally constituted authorities. Let us ponder well this solemn and important obligation, and in each of our daily assemblings let us raise our eyes to the stars and stripes entwined above this chair, and lift our voices to Heaven in prayer that each star may forever remain emblazoned upon that flag, and that it may again float from every point whence it has been torn by ruthless traitor hands. It will be your duty, as I know full well it will be your pleasure, at an early day, to pass such concurrent resolutions of loyalty to the Federal Government, that we can transmit to our Atlantic brethren the assurance that although far removed from the cradle of liberty, we are yet her true and devoted children.

Gentlemen, I beg of you to extend to me all possible courtesy whilst occupying this chair. If inadvertently I should make errors of ruling, I trust that you will impute them more to the head than the heart. Returning to you again my sincere thanks for the high honor conferred, we will now proceed to business.

The House now proceeded to the election of Secretary of the Council, when

Henry Smeathman being nominated and ballôt taken, the Hon. W. M. Stewart, acting as teller, said Henry Smeathman was declared unanimously elected as such Secretary for the present session.

The House now proceeded to the election of Assistant Secretary, when,

Garritt J. Lansing was balloted for and duly elected, all the members present voting aye.

The House now proceeded to the election of Sergeant-at-Arms.

Noah T. Carpenter was balloted for and duly elected, all the members present voting aye.

The House now proceeded to the election of Messenger, when

Philip E. Shannon was balloted for and duly elected, all the members present voting aye.

The House now proceeded to the election of Fireman, and to act as Page, when

Master Henry M. Lewis was balloted for and duly elected, all the members present voting aye.



These respective officers were then duly sworn, and subscribed respectively to the oath as administered by the Honorable the Chief Justice of the Supreme Court of Nevada; with the exception of

Noah T. Carpenter, Sergeant-at-Arms elect, who was not present.

It was then moved and seconded that the Secretary of the Council be instructed to transmit the following resolution to the House of Representatives :

Resolved, That the Secretary of the Council inform the House that a permanent organization has been effected in the Council, and are now ready to receive any communications from their Honorable body, and to proceed to business.

The Secretary drafted said resolution, adding list of officers, and delivered same in person to the House of Representatives.

The House now adjourned until Wednesday, 10, A. M., 2nd October, at which hour the members were directed to assemble for the transaction of business, by order of the President.

ATTEST :

H. SMEATHMAN,

Secretary of the Council.

J. L. VAN BOKKELEN,

President of the Council.

WEDNESDAY, OCTOBER 2ND, 1861. }
TEN O'CLOCK, A. M. }

Council met pursuant to adjournment. President in the chair. Roll called. Quorum present.

Journal of yesterday read, corrected and approved.

Noah T. Carpenter, Sergeant-at-Arms elect, being present, was called to the desk, sworn to and subscribed the oath as administered by the Hon. George Turner, Chief Justice of the Supreme Court of Nevada Territory.

Mr. Hannah offered the following resolution :

Resolved, By the Council, the House of Representatives concurring, that a committee of two be appointed to wait upon His Excel-

lency the Governor, and inform him that the two Houses are now prepared to receive any communication he may be pleased to make.

Adopted.

The President appointed the following committee :

Messrs. Hannah and W. M. Stewart.

President instructed the Secretary of the Council to deliver verbal message to the House of Representatives, that they were now ready to meet the House in joint convention to receive the Governor's message.

The Secretary delivered the message accordingly.

Mr. Grier offered the following resolution :

Resolved, That the Committee on Rules and Regulations, be allowed until to-morrow morning to make their report.

Adopted.

The President ordered the Messenger to collect and deliver all letters and papers from the post office, express offices, and newspaper offices, that might be there from time to time for the members and officers of the Council.

The following message was received from the House :

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

Messrs. Harrington, Osborn and Ford announced that the House had appointed Messrs. Osborn, Mills and Teall as a committee to unite with a committee from the Council, to wait upon His Excellency the Governor, and inform him, that they were ready to receive any communication he might be pleased to make.

The Sergeant-at-Arms was directed to wait upon the Secretary of the Territory in relation to making some provision for the covering of the flooring, the providing chairs and supplying a table for newspaper reporters.

Messrs. Hannah and Stewart made the following report :

MR. PRESIDENT.—The joint select committee, appointed to wait upon the Governor, and inform him that the two Houses were ready to receive any communication he might be pleased to make, report that they have conferred with His Excellency, and that he is now

ready to communicate with the Council and House in joint convention.

THOMAS HANNAH,
W. M. STEWART.

Accepted. Committee discharged.

The time having arrived for the joint convention of the two Houses to receive the Governor's message, the Council proceeded, with the President and its officers, to the House of Representatives.

IN JOINT CONVENTION.

Convention called to order by the President of the Council.

Council roll called. Absent, Isaac Roop. Quorum present

Roll of the House of Representatives called. Quorum present.

The approach of His Excellency the Governor being announced, the Sergeant-at-Arms cleared the passage; and the Governor, the Secretary of the Territory, with the committee, entered the House of Representatives.

The Governor then delivered the following address:

GENTLEMEN OF THE COUNCIL
and HOUSE OF REPRESENTATIVES:

YOUR presence here in the capacity of Legislators, furnishes the highest and most satisfactory evidence of the kind parental regard and attention that our best of governments bestows upon her most distant people. Its care and protection leap over mountains, fly over seas, pass over deserts, in pursuit of its most erratic and wandering citizens, as the ever watchful mother, whatever her cares, troubles, and embarrassments at home, never fails to watch vigilantly for her absent children. A government so kind and considerate cannot fail, if properly appreciated, to attach all good and reflecting people to it. Its blessings are so apparent, that to enumerate them would impugn the intelligence of the chosen Representatives of a people engaged in an effort to form a system of laws for their guidance, in harmony with the benign example of the General Government from which they receive this authority.

It can be truly said that this Territorial organization came into existence in an hour of national embarrassment and trouble, just as the mutterings now ripened into rebellion began to be heard.

It is impossible if we would, to be less than anxious observers of these trials and tribulations of the Government from which we derive our power and existence. The natural instinct of the human heart is, to make grateful returns for favors gracefully bestowed, and if instinct teaches this ennobling and lofty principle, how much more should reason, the proud boast of man, teach us to revere and honor the power that has conferred upon you and your constituents the high prerogative to discharge the responsible duties you this day assume.

The power conferred, the responsibility of your positions the consequences attendant upon your action, not only upon the present inhabitants, but upon the countless ones that shall come after them, should serve to admonish you that your joint and several action, should be marked by discretion, wisdom, and patriotism; remembering that it is a fearful thing to have only the present in view when making laws for unborn generations.

The magnanimity of the General Government, in placing in the Organic Act speaking this Territory into existence, no restraints, shows the confidence it reposes in even its minor children. It gives free scope to our youthful energies, and relies upon our judgment to direct them aright. Fully imbued with the belief that self-government is man's Heaven-born heritage, and that he is fully possessed of sufficient capacity to husband well so rich a patrimony, it hands it over to our keeping with all the confidence of a doting parent. There is but one single restraint, if indeed that can be called a restraint, and that is, that all of our legislation, and public and private acts, shall be in accordance with the Constitution of the United States an instrument combining more excellencies, more safeguards, more protection, than any other constitution under which any people were ever permitted to live.

The wisdom displayed by its authors in so directing the powers of the government as to make it certain that no oppression can exist under it, in making each of the three powers occupy so important a position as to operate as a check upon the others, challenges the admiration of the world. The true test of all things, is the result produced. Under the benign influence of the constitution, a weak and tottering government, existing under a simple confederacy, has become strong and irresistible; its infantile limbs are robust as the giant's; its feeble steps firm with strength; its weakness has been changed into power; its expansion is unparalleled; its glory unequalled; its wide-spread Territories have been as by magic transformed into States. Civilization has kept pace with the pioneer, and enterprise, education and religion have grown up and flourished in

the most distant settlements. Under it commerce has spread her whitened wings upon the bosom of every ocean, sea, lake and navigable river in the known world. It leaves untrammelled the boundless energies of all who live under it. It adopts no form of religion, but kindly fosters and protects all. It leaves the conscience of each, aided by revelation, the monitor to point the way to a brighter and better state of existence. Here no streams of blood wash the shrines of religious bigotry. Here no restraint is placed upon the freedom of political thought or action. The sacred ballot is the chosen arbiter of an intelligent people, for the reason that it is the recorded judgment of the community, territory, state or nation, upon every question of a political character. To, and before that arbitrament, all must bow with that becoming deference which is due to the constitution that created it. An instrument so pregnant with good, and so barren of wrong, is properly regarded by all loyal citizens as the paramount law of the land. Its framers so regarded it; the compeers of its framers so regarded it; the nation so regarded it; the enlightened world so regarded it. Indeed, at the time of its adoption, it was regarded as the great luminary around which the smaller planets of state constitutions should revolve; and all the legislation, both in States and Territories, should be in strict accordance with its provisions; and all the state constitutions were to pale their lesser lights in the presence of the commanding majesty of the Constitution of the United States. So long as we all so regarded it, and walked in its paths, and were guided by its light and its councils, we glided swiftly upon the waves of prosperity and peace, to a national importance second to no power on the earth. In the midst of this unparalleled prosperity, we slept soundly in fancied security. Alas! while we slept the tares were sown; the seeds of discord, strife, and disunion, were scattered broadcast on the very face of the constitution, and those who scattered them were in possession of the fruitful field, and the weeders are now attempting to pull up the wheat, and leave the tares, alone to occupy the ground made so rich and productive of good by the hands of the founders of the government. The tares to which I alluded, is the heresy that the state constitutions are paramount to, and independent of, that of the United States. A doctrine so absurd, so unnatural, and so unwise, was regarded when first broached, as a dogma of a diseased brain, unworthy even of refutation; yet this subtle poison has been so insidiously infused by the wicked, designing, and, in many instances, disappointed politicians of our nation, that we now behold the startling spectacle of its adoption as a basis of a separate political and national existence by eleven States of this Union, and so far have

they been carried in their madness, as to call it invasion of a State, if the national government attempts to march troops, through or across its territory, to put down rebellion or treason in another State, or to protect the citizens or the property of the nation. A doctrine so fraught with evil can never obtain, a theory so repugnant to the existence of our government will never become the judgment of an enlightened people. The innumerable blessings that have flowed in the wake of the opposite theory and doctrine, will never be exchanged for the certain discomfiture and destruction attendant upon such a wild and delusive theory. As well might you look for an orderly and well conducted family where all parental restraint and authority were repudiated and disregarded by the offspring, as for a happy prosperous, well-ordered government containing within it thirty-four independencies, each claiming superiority over the parent government.

That a state constitution should be the power behind the throne greater than the throne itself, is a theory so startling, so entirely destructive in its operations and results, that I entertain no apprehensions that it will ever be adopted by the people of this Territory, that has so much garnered up in the rich treasure-house of a nation's benevolence, and so much in the future, if we remain contented under the protecting and sheltering wings of our national constitution.

In the conflict now waging between the seceding states and those that remain loyal to the Union, there is no such thing as neutrality. All must, and will participate, to a greater or less extent, and the infantile voice of this Territory will be heard on one side or the other; and in order that we may determine correctly, let us look impartially at the position of both, and make up our minds from admitted facts.

The former are striving to overthrow the constitution; they have openly repudiated, and set at naught its councils; they defy its mandates and authority, and scorn its protection. They fired upon the flag of our common country when floating over the deck of a ship freighted with provisions for starving and famishing soldiers, placed in a garrison for the protection of our commerce, and to stay the feet of foreign invaders if they should attempt to land upon our soil, inhaling with every breath the poisonous malaria that rears its hecatombs of victims yearly in the port where they were stationed, and finally, to complete their work of desecration, and destruction, they fired upon the soldiers thus situated. They have armed eleven states and arrayed their marshaled forces to overthrow the government; they have spilled the blood of the patriotic, liberty-loving, constitution-revering citizens, who were armed to protect that gov-

ernment, that constitution that has so long protected them, under which they have been permitted to enjoy the fullness of personal and political freedom. They are marching upon the capitol of the nation for its destruction even where the footsteps of the immortal Washington are yet visible. They have plundered our arsenals, robbed our treasury, violated solemn oaths to support the constitution and protect the property of the nation, and have ruthlessly torn the flag of our country from the staff from which it so proudly floated, and trailed it in the dust of dishonor. They have fired upon and killed in the public streets of a city, soldiers that were marching to the capitol for its protection under the orders of the Government of the United States. They have covered the sea with piratical craft, with orders to seize all shipping bearing the flag of the United States, and offering a bounty for each sailor taken under it, and when taken, he is held as a prisoner to await the mercy and judgment of an exasperated and rebellious people.

We stop the catalogue of wrongs, and inquire with amazement what reason can exist for all these things? Have any of their rights been abridged? Has their commerce been crippled? Have there been any hostile demonstrations by the Government upon any citizens in any of the rebellious states? Have their judicial tribunals in either of these states been in any way interfered with, up to the time of this unholy rebellion? Has the sacred writ of Habeas Corpus been stripped of its power? Had not the nation been still while they by armed force possessed themselves of millions of the nation's property, and placed within range of the guns of the nation's fortifications fearful batteries, with the avowed purpose of their destruction? And were not our guns condemned to silence while these engines of destruction were brought to the very feet of our soldiers? Had the nation called a soldier to the field at the time when rebels in large numbers had conspired to assassinate the President elect, on his way to Washington, to avoid the assassin's hand raised to strike at the liberties of the nation through him? Was it until they threatened publicly to possess themselves of the sacred capitol, that the nation was called on to avert the impending danger? When treason daily was uttered in both Houses of Congress, was the merited punishment meted out to the traitors? No!—they kindly forebore, and the President of the United States in his inaugural literally wooed them back to their allegiance, which entreaty was answered by a call for more soldiers, strengthening the power of resistance to the laws and constitution, growing bolder in view of the kindness manifested. Such is a brief summary of the condition of our national difficulties up to the time that the Federal forces

were called into the field, since which time the history of both has been daily written, and from which I am unable to discover on the part of the rebels any disposition to relax in their efforts to put down by the force of arms, the existing government of the country. There is no difficulty in ascertaining the true position of those that take the sword, or of those who sustain them that have taken it. There is, however, a class of our fellow-citizens that declare themselves in favor of the Union, and still are opposed to the use of coercive measures to bring this rebellious people back to their allegiance. They inquire with emphasis, "do you expect to make this revolting people love the Union by meeting them upon the field of bloody strife?"—and "do you expect to make them loyal by punishment?" I answer, I do not! What then is the advantage? I answer, if they do not love, they shall respect the regularly constituted authorities of the nation to which they owe allegiance, and seek a gratification of their political ambition within, and under the constitution. And further, that they shall let the loyal citizens within those States that love the Union, speak out in its favor in a constitutional way, and by their ballots, and they shall cease to persecute loyal citizens within their borders, and suffer them to stand erect in their manhood and express their honest sentiments without the penalty of expulsion or fear of punishment; and that they shall cease to impress liberty-loving citizens who prefer order to confusion, and well-regulated government to anarchy, into their armies, and compel them to fight for the overthrow of institutions they cherish and revere. In a word, I would compel them to lay down their arms and appeal to the constitutional mode of settling their grievances, and thus discountenance forever an attempt by those who shall come after them to do so dangerous and wicked a thing. When this point is reached, and the power of the Federal Government is vindicated, both in the minds of traitors at home, and before the nations of the earth; when it has demonstrated that it has the power and the determination to put down rebellion at home and protect itself from invasion from abroad; then, and not till then, will the cry of peace be heard by a loyal people. Whenever the moment arrives that the rebels shall lay down their arms, and cease their efforts for evil and turn their minds from the destruction of, to the completion and perfecting of the holy work commenced by their fathers, of making permanent our institutions, laying deeper and more solid the foundation of national freedom; then has the happy hour arrived when peace will be hailed by all with joy, and such a peace will be permanent and abiding. Opposed to coercion! and why? Are not all rational men in favor of restraining those who

are in the wrong, even by force, if necessary? This is all the word means; to compel an individual or individuals to cease from wrong, and if possible to coerce or compel them to right. The punishment for crime rests upon this basis: first, admonition, and if that is not heeded, coercion follows. Restraint over those that do wrong is the inherent safeguard thrown around human society. Take it away, and the bulwark of society is battered down; abolish restraint, or coercion, and all human laws are powerless and useless. The Constitution and laws determine what crime is, its grade and character, and humanely apportion punishment to its enormity, and by its punishment endeavors to restrain or coerce the guilty one to observe and regard its precepts. The law denominates the crime of which the leaders in this FOUL CONSPIRACY are guilty to be TREASON. Says in most emphatic terms, the penalty is DEATH. Why do well informed, and as they say, Union-loving citizens, reason differently upon this crime from any other? Why object, that those who are guilty, should suffer the penalty of the offended law? How loudly do the same individuals ask of the officers of justice to do their full duty, to punish the man or men that steal the property, while they demand that the sword of justice should be stayed from those who are endeavoring to steal a nation's liberties. Is not such reasoning specious and dangerous? Is it treating the subject with that fairness and manly frankness with which they treat all others? Do they not by this special pleading intentionally or unintentionally exhibit to others their real feelings, viz.: a sympathy with the offenders and a want of loyalty to the Government? I have dwelt perhaps too long on this absorbing topic. If so, my apology will be found in my anxiety that the expression of the first representatives of this Territory shall be of such character as to leave no doubt in the minds of the present or coming generations of their fearless loyalty, remembering "That as the twig is bent the tree's inclined." If you so speak, the youngest of the heirs to this richest of inheritances, it will cause a thrill of joy throughout this now agitated country. Say by your action, that young and feeble as you are, you will stretch out your arm and shield your Government from the parricidal blow now aimed at it. Speak so unequivocally as to encourage the hearts now battling to sustain intact our glorious Union. At the same time say to those who would break and destroy it, expect no sympathy or encouragement in your effort from this new-born Territory. Speaking thus, you will but reflect the true sentiment of those who commissioned you to speak for them, and the day is not far distant when those who now differ with you in sentiment will bless you for so speaking. For as sure as time rolls on, the wave

that now threatens to engulf us will roll back with redoubled force and power, to the utter destruction of those who evoked it.

The short time that I have been in the Territory forbids the idea that I should be able to advise, or recommend, all the legislation necessary to meet the wants and necessities of this rapidly populating Territory. This, added to the fact that its material interests are of a character that I know but little of, throws the responsibility of your first legislation mostly upon you. I am gratified to know that its responsibilities rest upon a body of men so competent to their discharge. Your knowledge of the peculiar interests of, and your experience in the Territory, will guide you in the difficult and delicate duties devolving upon you.

As the commanding interests of the Territory are of a mineral character, one of your first duties will be to enact such laws as shall be best calculated to develop these interests fully, at as early a day as practicable; to the end that capital from abroad may be attracted to aid in demonstrating what we believe, that this is the richest portion of our country. Happily for us, a neighboring State whose interests are similar to ours, has established a code of laws adapted to the mining interests, which I understand is ample for their development, working and protection. I would recommend, that so far as they can be made applicable, those laws be adopted here. By so doing, you will have not only the advantage of our neighbor's experience, but of all the adjudication upon those statutes by a Supreme Court whose decisions are marked by so much learning and ability. From the perusal I have given the Statutes of Utah Territory, under which we now live, I am satisfied that few of the provisions are adapted to our present organization, wants or necessities, and that a radical change, or an entire superseding of said laws will be necessary. In doing this, you will of course give due consideration to all rights properly obtained under them, and guard carefully against injury to any one in such change.

If you agree with me in the above suggestion, then an entire and complete code of laws for our government, more congenial to our habits and tastes, and better adapted to our wants, will have to be prepared and passed by you this session; and in performing this important duty you will keep constantly before you the fact, that the laws you make should be of such character as to protect both labor and property, and create that mutual dependence which insures to each its proper importance. It occurs to me that the remarks made in relation to the mining laws of California, will apply to her code as a whole, with such modifications as are necessary to adapt it to the distinction that exists in the "Organic Act creating the Territory,"

viz.: law and equity. In the adoption of that code, with the necessary changes, you will not only have the advantage of the adjudication and precedents of California, but the advantage of adjudication and precedents of the great State of New York, whose judiciary for many years have made their pathway luminous, and whose bench has been adorned by the best and purest of her citizens.

As the mines and their appurtenances constitute the principal wealth of the Territory, and as the revenue necessary to carry on the Territorial government and its internal municipal affairs will have to be raised by taxation, the question, what standard of valuation will be fixed, is of the utmost importance. Viewed in the present and future, to assess them at the value which some of them have in market, would seem to be somewhat dangerous, as that value fluctuates daily, depending upon the speculative ideas of men who make the buying and selling of interests in mines a business, and who raise or depreciate the price as best subserves their immediate interests. Besides, some that are estimated by the known value of those in proximity to them, when opened and developed, have proved almost valueless. For these, and other reasons not enumerated, I suggest for your consideration the taxing of the gross proceeds of the several mines. I make the above suggestion for the reason that the Organic Act provides "that no discrimination shall be made in taxing different kinds of property, but all property subject to taxation shall be in proportion to the value of the property taxed." In speaking of the taxation of mines and their appurtenances, I do not mean that any other taxable property in the Territory shall not be taxed at its value.

Among the first duties that will devolve upon you, will be to district the Territory into three Judicial Districts, and assign to each of the several districts one of the Justices appointed, and fix the time and place, or places, in each district, when and where the terms of said District Courts shall be held. In performing this labor, due care should be taken to so district the Territory as to afford the greatest facility to litigants, and insure speedy trials of all issues. More attention should be paid to a proper division of the labors among the Justices, than to geographical lines or extent of territory. If settlements far removed from the great bulk of business require a term of court occasionally, you will find no difficulty in so fixing the terms, and places of holding them, as to afford them all necessary accommodations.

One of the most important duties that will devolve upon you is the establishment of a system of Common Schools. A government like ours, that rests upon the basis of universal intelligence, cannot

exercise too much care, or vigilance, in providing for the mental and moral culture of its youth. They so soon will be called upon to fill the places now occupied by us, that common prudence admonishes us that no time should be lost in furnishing ample means to qualify them for the successful discharge of those important duties.

The common school is the foundation of knowledge, at which a vast majority of our children must take their first and final lessons in education—the place where they must fit themselves and be prepared for the varied struggles of human life. There, under the guidance of competent teachers, the youthful mind drinks in a relish for learning. There the first aspirations to climb the hill of science, to its summit, are felt and experienced. There the eye of the scholar is first made to glisten with unwonted brilliancy, and his heart to beat with unusual velocity, as he achieves a triumph over the first obstacle that presents itself in his rugged pathway. Experience has shown that the best system thus far tried is to make the common school free. The public have an interest in the instruction of every child within our borders, and as a matter of economy, I entertain no doubt that it is much cheaper to furnish school-houses and teachers than prisons and keepers. The Organic Act contemplates the establishment of such a system, by providing that Sections 16 and 36 of the lands in each township shall be reserved and dedicated to the use of common schools. I recommend that you give this subject your early and earnest attention, and I doubt not that you will be able to devise a plan that will bring the blessings of a common school education to the children of the poorest inhabitant in the Territory.

Convenience will require that you divide the Territory into counties, and in doing this you will keep in view not only what we are, but what we shall be; not only the localities where the population now is, but where it will probably be as the Territory increases in population, so as to render it as far as possible unnecessary hereafter to change them.

It will likewise be necessary to fix the number of representatives in each branch of the Legislature, within the time named in the Organic Law, as well as to district the Territory into Legislative districts, and determine the time when the elections and the future meetings of the Legislature shall be held.

The Organic Act places the responsibility of locating the permanent capital of the Territory upon the Legislature and Governor. In view of the importance attached to such action, I bespeak a careful examination of all the claims that may be put forth, the advantages and disadvantages of all the localities named, by having a proper regard for the convenience of a great and populous Territory.

The consequences attendant upon the almost universal habit or practice of carrying concealed or deadly weapons, by the citizens of this Territory, lead me to recommend that some law be passed making it a penal offense to carry them, fully believing that human life will be much safer by prohibiting the use than by tolerating it.

I also recommend that such laws be passed for the regulation of the sale of intoxicating liquors, as shall protect the public from the devastating influence of an unrestrained traffic, prohibiting its sale to persons under certain ages, and to persons of known intemperate habits, fully believing that the temporary gain to the vendor, is a poor remuneration for the blasted hopes and crushed spirits of loving families.

It seems to me that a proper regard for the well-being of society, demands that the sale on Sunday or the Sabbath, of all intoxicating liquors (except for medicinal purposes), should be prohibited, so that the day may be observed as one of rest and quiet, and be enjoyed by those who desire it, by such religious observances as the habits of more than eighteen centuries have sanctioned.

I particularly recommend that you pass stringent laws to prevent gambling. Of all the seductive vices extant, I regard that of gambling as the worst. It holds out allurements hard to be resisted. It captivates and ensnares the young, blunts all the moral sensibilities and ends in utter ruin. The thousand monuments that are reared along this pathway of ruin, demand at your hands all the protection the law can give.

I suggest the propriety of the passage of a law that will give to the mechanic, and to the person or persons, who furnish material for building structures of all kinds, a lien for the labor and material thus furnished.

I call your attention to a law passed at the late session of Congress, by which \$20,000,000 of direct tax was levied upon the people of the United States and Territories. The amount apportioned to this Territory is \$4,591. Under the peculiar circumstances of our country you will, I doubt not, feel it a privilege to contribute this small amount to aid in the present emergency. The law provides a complete machinery for the levying and collecting of the tax referred to, by the officers of the United States. It also provides that if any State or Territory levies and collects the amounts thus apportioned, that such State or Territory shall be entitled to an abatement of fifteen per cent. on the amount, if paid before a certain time named in the act. I should regard the adoption of the latter mode as highly complimentary to the loyalty of this people.

In determining what officers are necessary to the perfect machin-

ery of the Territorial Government, you will not fail to remember that economy is the highest guarantee of permanent prosperity ; and in determining the salary or fees that each is to receive, it will be well to consider that the cheapest service is not always economical. I recommend that such salaries or fees be given, as will insure the services of competent and trusty men, to fill the several places you may deem necessary to create.

Relying upon that Divine power that "doeth all things well," I humbly trust and believe that you will give to the people of this Territory, a system of laws that will afford them ample protection in all their varied interests, and enable them to reach the desired goal of a well-governed and happy people.

Upon the conclusion of which the President announced the convention adjourned, and the Council withdrew to its chamber.

IN COUNCIL.

President in the chair.

Roll called. Absent, Isaac Roop, 4th district. Quorum present.

Mr. Hannah offered the following resolution :

Resolved, That five hundred copies of the address of His Excellency the Governor, be printed for the use of the Council.

Which, after some discussion, was adopted.

Mr. Pray offered the following resolution :

Resolved, That Messrs. Lewis & Sewall be authorized to do the incidental printing for the Council, until other and permanent arrangements have been effected.

Upon which motion was made to lay the resolution on the table.

Question on the motion. The ayes and nays. were demanded with the following result : ayes, 6 ; nays, 2.

So the resolution was lost, and the motion carried.

Mr. Grier offered the following resolution :

Resolved, That a committee of two be appointed, with power to contract for the printing for the Council, temporarily and until per-

manent arrangements are made ; provided they can contract at the same rates as the permanent arrangements hereafter to be made.

Adopted.

The President appointed Messrs. Grier and Hannah said committee.

Mr. Hannah offered the following resolution :

Resolved, That the Secretary of the Council be instructed to make arrangements with the Postmaster and Express Agents, for the payment of all postage on letters and papers sent to and from the members of the Council during the present session, and report the same to the Council.

Ordered laid on the table.

Mr. Stewart offered the following resolution :

Resolved, That the Secretary of the Council be authorized to cause to be printed five hundred blank slips for the use of the Council in voting.

Adopted.

On motion the Council adjourned.

THURSDAY, OCTOBER 3RD, 1861. }
TEN O'CLOCK, A. M. }

Council met pursuant to adjournment.

President in the chair. Roll called.

Journal of yesterday read, corrected and approved.

Mr. Grier, Chairman of the Committee on Printing, made the following report :

MR. PRESIDENT :—Your Committee on Printing for the Council beg leave to submit the following report : The General Government claims and exercises the right of establishing the prices or rates of printing in the Territory, and the only duty devolving on the Council is that of selecting the office at which the printing shall be done. Your Committee would therefore recommend, on the score

of convenience, the selection of Messrs. Lewis & Sewall to do the incidental printing for the Council, until permanent arrangements may be effected.

JOHN WILSON GRIER,
THOS. HANNAH,
Committee.

On motion of Mr. Pugh, the report was received and committee discharged.

On motion of Mr. Stewart, the report was accepted.

Mr. Grier, Chairman of the Committee on Rules and Regulations, handed in copy and submitted same to the Council. Report received and committee discharged.

On motion of Mr. Stewart, the Council resolved itself into a Committee of the Whole for the consideration of the Rules and Regulations.

The President appointed Hon. Solomon Geller, Chairman of said committee.

Mr. Solomon Geller, Chairman of the Committee on Rules and Regulations, made the following report :

MR. PRESIDENT —Your Committee on Rules and Regulations beg leave to report that they have carefully examined the same, and recommend their adoption.

SOLOMON GELLER, Chairman.

On motion of Mr. Stewart, the report was received and committee discharged.

On motion of Mr. Hannah, the Council took a recess for half an hour.

The Council reassembled at the appointed time. Roll called. Members all present.

Mr. Pugh asked and obtained leave of absence for the Sergeant-at-Arms for four days.

Mr. Hannah offered the following resolution (Concurrent Resolution No. 2) :

Resolved, That a committee of two be appointed by the Chair to

act in conjunction with a committee appointed by the House of Representatives, to prepare joint Rules for the government of the two Houses.

Adopted.

The President appointed Messrs. Hannah and Stewart as such committee.

On motion of Mr. Stewart, the report of Committee on Rules and Regulations was taken up and considered.

Ordered, that the report be read by the Secretary.

Mr. Hannah moved that the report of the Committee of the Whole, on Rules and Regulations, be laid on the table. Lost.

On motion of Mr. Stewart, for the adoption of the Rules, the ayes and nays were demanded with the following result: Ayes, 6; nays, 1; excused, 1.

Ayes—Messrs. Geller, Luther, Pray, Pugh, Stewart, and Van Bokkelen: 6.

Nays—Mr. Hannah: 1. Excused—Mr. Grier: 1.

So the motion was adopted.

STANDING RULES OF THE COUNCIL.

I.

The Council shall choose by ballot one of the members to occupy the chair, who shall be styled *President of the Council*, and who shall hold his office during the session thereof, unless he be removed therefrom by a vote of two-thirds of the members present.

II.

The President shall take the chair at the hour to which the Council shall have adjourned, shall immediately call the members to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read and corrected.

III.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Council by any member.

IV.

He shall rise to put a question, but may state it sitting.

V.

Questions shall be distinctly put in this form, to wit: "As many as are of the opinion that (as the question may be), say aye;" and after the affirmative voice is expressed, "as many as are of the contrary opinion, say no." If the President doubts, or a division be called for, the Council shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

VI.

The President shall call some member to the chair when the Council votes to go into Committee of the Whole, and may then debate the question before the committee. He shall also have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. In the absence of the President, except as above, the Council shall appoint a President *pro tem*.

VII.

He shall appoint all committees, unless otherwise directed by the Council. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas (issued by the Council), shall be signed by him and attested by the Secretary.

VIII.

In all cases the President shall have the right of voting; and on all questions he shall vote last.

IX.

In case of any disturbance or disorderly conduct in the lobby, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

X.

Reporters wishing to take down the debates may be admitted by the President, who shall assign such places to them on the floor or elsewhere to effect their object, as shall not interfere with the convenience of the Council.

XI.

After the Journal has been read and corrected, the order of business shall be as follows:

ORDER OF BUSINESS.

1st. Letters, petitions, memorials, remonstrances, and accompanying documents, may be presented and referred.

2nd. Resolutions may be offered and considered ; notices of leave to introduce bills may be given ; and bills may be introduced on leave granted.

3d. Reports of committees may be made and considered : 1st, from standing committees ; 2nd, from select committees.

4th. Messages and other Executive communications.

5th. Messages from the House of Representatives, and amendments proposed by the House of Representatives to bills from the Council.

6th. Bills and resolutions from the House of Representatives on their second reading.

7th. Bills on their third reading.

8th. Bills ready for third reading.

9th. Bills reported by a Committee of the Whole.

10th. Bills in which a Committee of the Whole has made progress, and has leave to sit again.

11th. Bills not yet considered in Committee of the Whole.

XII.

Bills of a public nature shall always have the preference of private bills.

XIII.

When any member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, and avoid personality.

XIV.

Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not ; and if a member be called to order for words spoken in debate, the exceptionable words shall be taken down in writing immediately.

XV.

When two or more members happen to rise at once, the President shall name the member who is first to speak.

XVI.

No member shall speak more than twice on the same question ; nor more than once on a question of commitment, without leave of the Council.

XVII.

Whilst the President is putting any question, or addressing the Council, none shall walk out of or across the room, nor in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the Council. No member or other person shall visit or remain by the Secretary's table while the ayes and nays are calling, or ballots are counting.

XVIII.

No member shall vote on any question in any case where he was not within the bar of the Council when the question was put, unless by leave of the Council.

XIX.

Upon a division and count of the Council on any question, no member without the bar shall be counted.

XX.

Every member who shall be in the Council when the question is put shall give his vote, unless the Council, for special reasons, shall excuse him. All motions to excuse a member from voting, shall be made before the Council divides, or before the calling of the ayes and nays is commenced; and any member wishing to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XXI.

When a motion is made and seconded it shall be stated by the President, or being in writing it shall be handed to the Chair, and read aloud before debated.

XXII.

Every motion shall be reduced to writing, if the President or any member desire it.

XXIII.

After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the Council, but may be withdrawn at any time before a decision or amendment.

XXIV.

When a question is under debate no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to

postpone to a day certain, to commit, to amend, or to postpone indefinitely ; and these several motions shall have precedence in the order in which they stand arranged. A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be equivalent to the rejection of the bill.

XXV.

A motion to adjourn shall always be in order ; that and the motion to lie on the table shall be decided without debate.

XXVI.

The previous question shall be in this form : "Shall the main question be now put?" It shall be only admitted when demanded by a majority of the members present ; and until it is decided, shall preclude amendments, and further debate of the main question. On a motion for the previous question, and prior to the main question being put, a call of the Council shall be in order.

XXVII.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXVIII.

When a motion or question has been once put and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the Council is equally divided, for a member who voted in the negative, to move for a reconsideration thereof, on the same or the succeeding day ; and such motions shall take precedence of all other questions, except a motion to adjourn. A motion for reconsideration being put and lost, shall not be renewed.

XXIX.

Any member may call for a division of the question, when the same will admit of it. A motion to strike out and insert shall be deemed to be indivisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

XXX.

In presenting a petition, memorial, remonstrance, or other com-

munication, addressed to the Council or *Legislative Assembly*, the member shall only state the general purport of it.

XXXI.

Every petition, memorial, remonstrance, resolution, bill, and report of committee, shall be endorsed with its appropriate title, and immediately under the endorsement, the name of the member presenting the same shall be written.

XXXII.

Any member may make a call of the Council, and require absent members to be sent for, but a call of the Council cannot be made after the voting has commenced; and the call of the Council being ordered and the absentees noted, the doors shall be closed, and no member permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon, or further proceeding in the call be suspended.

XXXIII.

The entire Council shall constitute a standing committee for the consideration of all subjects of legislation.

XXXIV.

The rules observed in Council shall govern, as far as practicable, the proceedings in Committee of the Whole; except, that a member may speak oftener than twice on the same subject, and that a call for the ayes and nays, or for the previous question, cannot be made.

XXXV.

Amendments made in Committee of the Whole, shall be entered on a separate piece of paper, and so reported to the Council by the Chairman, standing in his place; which amendments shall not be read by the President, unless required by one or more of the members. The report having first been acted upon, the bill shall then be subject to debate and amendment, before the question to engross it be taken.

XXXVI.

All bills and resolutions shall be introduced by motion for leave, or upon the reports of committees. Members introducing a bill shall always give one day's notice of a motion to bring it in, and when brought in, it shall be endorsed with the name of the member or committee.

XXXVII.

Every bill or joint resolution requiring the approval of the Governor, shall receive three several readings previous to its passage.

The first reading shall be at length ; and no bill shall receive a second and third reading on the same day.

XXXVIII.

No bill, or joint resolution, shall be committed or amended, until it has been twice read. If objections are made to a bill on its first reading, the question shall be, "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading.

XXXIX.

All bills and joint resolutions, requiring the approval of the Governor, shall, on a second reading, be considered in Committee of the Whole, before they shall be acted upon by the Council ; and those originating in the Council, except resolutions not requiring the approval of the Governor, before being considered in Committee of the Whole, shall be printed, unless otherwise ordered by the Council.

XL.

Sixty copies of every bill, joint resolution, or memorial, shall be printed, after the second reading by the Secretary, unless otherwise ordered. And all bills, resolutions, and amendments, after being printed, shall remain at least one day on the files, before being considered.

XLI.

The final question, upon the second reading of every bill, or other paper, originating in the Council, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" and upon every such bill, or paper, originating in the House of Representatives, "Shall it be read a third time?"

XLII.

No amendments shall be received on third reading, except to fill blanks, without the unanimous consent of the Council. In filling blanks the largest sum, longest time, and greatest distance, shall be first taken.

XLIII.

A bill or resolution may be committed at any time previous to its passage ; and if any amendment be reported upon such commitment, by any, other than a Committee of the Whole, it shall be again read a second time, considered in the Committee of the Whole, and the question for third reading and passage again put.

XLIV.

Every bill, joint resolution, or memorial, originating in Council, shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

XLV.

Immediately after the passage of any bill, or other papers to which the concurrence of the House of Representatives is to be asked, it shall be the duty of the Secretary to transmit the same to the House, unless some member of the Council shall make a motion to reconsider the vote by which the Council passed said bill, or other papers in which case the Secretary shall not transmit said bill, or other paper, until the motion to reconsider has been put; and on the concurrence in any bill or other paper of the House of Representatives, by the Council, or on the concurrence or disagreement in any vote of the House, it shall also be the duty of the Secretary to notify the House thereof.

XLVI.

Memorials to Congress, to the President of the United States or the head of either of the Departments, shall be considered in Committee of the Whole, before being adopted.

XLVII.

It shall be competent for any member, when a question is being taken, to call for the ayes and nays, which shall be inserted in the Journal. A call for the ayes and nays cannot be interrupted in any manner whatever.

XLVIII.

Committees shall not absent themselves from the Council by reason of their appointment, without special leave for that purpose be first obtained.

XLIX.

It shall be in order for the Standing Committee to report enrolled bills and resolutions at any time.

L.

A Secretary, Assistant Secretary, Sergeant-at-arms, Messenger, and Fireman, shall be elected by ballot, to hold their offices during the pleasure of the Council. The Secretary shall keep a correct Journal of the daily proceedings of the Council, and shall perform such other duties as shall be assigned to him as such Secretary. He shall permit no journals, records, accounts, or papers, to be taken

from the table, or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the President, that inquiry may be made. He shall superintend the recording of the Journal of proceedings, the engrossing, enrolling, transcribing, and copying of bills and resolutions, and generally perform the duties of Secretary, under the direction of the President. These officers shall severally take an oath truly and faithfully to discharge their respective duties of office.

LI.

The proceedings of the Council, on Executive business, shall be kept in a separate book of records, to be provided by the Secretary of the Council, and published with the proceedings of the Council.

LII.

The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with these rules, and the orders of the Council, and the joint rules and orders of the Council and House of Representatives.

LIII.

The President is authorized to administer all oaths prescribed by the foregoing rules.

LIV.

The standing hour for the daily meeting of the Council, shall be ten o'clock, in the morning, until the Council direct otherwise.

LV.

The Governor, Secretary of the Territory, Judges of the Supreme Courts, Delegates to Congress, Members of Congress, of State Legislatures, and of the House of Representatives, may be admitted to seats within the bar of the Council.

LVI.

No standing rule or order of the Council, shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be rescinded, changed, or suspended, except by a vote of at least two-thirds of the members present.

LVII.

Every resolution debated, shall lie over for one day.

LVIII.

In taking the vote upon the final passage of all bills, joint or other resolutions, the ayes and nays shall be called by the Secretary, and recorded upon the Journal.

J. W. GRIER,
A. W. PRAY
JOHN W. PUGH,

Committee on Standing Rules.

Read and adopted, as amended by a Committee of the Whole
October 3, 1861.

H. SMEATHMAN,
Secretary of the Council.

Mr. Pugh offered the following resolution :

Resolved, That the Secretary of the Council be requested to furnish, daily, each member of the Council one copy of the "Silver Age," one copy "Territorial Enterprise," one copy "Sacramento Daily Union"

Adopted

Mr. Stewart gave notice that he would introduce a bill for an "Act adopting the Common Law."

Also, a bill for an "Act to regulate proceedings in Civil Cases in Courts of Justice in this Territory."

Mr. Hannah offered the following resolution :

Resolved, That fifty copies of the Organic Act of the Nevada Territory be ordered printed for the use of the Council.

Adopted.

Mr. Hannah requested permission to take up the motion on the subject of letters and papers, and postages on the same which was laid on the table yesterday. Permission granted.

Mr. Hannah then offered the following resolution :

Resolved, That the Secretary of the Council be directed to make arrangements with the Postmaster and Express Agents of Carson City, for the payment of all postage on letters and papers, sent to and from the members of the Council, during the present session, and report the same to the Council

Adopted.

Mr. Stewart gave notice that he would, at an early day, introduce a bill for an "Act defining the Time of commencing Civil Actions."

Mr. Grier moved that the Council do now adjourn.
Council adjourned.

J. L. VAN BOKKELEN,
President of the Council.

ATTEST:

H. SMEATHMAN,
Secretary of the Council.

FOURTH DAY'S PROCEEDINGS.

FRIDAY, OCTOBER 4TH, 1861. }
TEN O'CLOCK, A. M. }

Council met pursuant to adjournment.

Roll called. President in the Chair.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Stewart introduced Council bill No. 1—A bill for an "Act adopting the Common Law."

Also, Council bill No. 2—"Bill to Regulate Proceedings in Civil Cases in Courts of Justice in this Territory."

Mr. Hannah inquired whether it was in order to introduce a bill unless properly engrossed? Debate ensued.

Chair decided the bill as submitted admissible.

The bill was then duly endorsed "An Act entitled an Act to Regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Nevada."

Presented by W. M. Stewart.

Placed on file.

Mr. Hannah offered the following resolution:

Resolved, That all bills, resolutions, joint or otherwise, introduced by any member of this Council, shall be in writing, and signed by the member or committee presenting the same.

It was moved to strike out the word "bills." Carried.

The resolution, as amended, was then put, upon which the ayes and nays were demanded with the following result: ayes, 5; nays, 3.

Ayes—Messrs. Geller, Pugh, Luther, Stewart, and Van Bokkelen.

Nays—Messrs. Grier, Hannah, and Pray.

So the amendment was adopted.

NOTICE OF BILL.

Mr. Pugh gave notice that he would at an early day introduce a bill prescribing the mode of maintaining and defending possessory actions on public lands in the Territory of Nevada.

Mr. Hannah offered the following resolution:

Resolved, That the Secretary of the Council be, and is hereby authorized to have the desk of each member furnished with a lock and key, for the better security of papers, stationery, and so forth.

Adopted.

Mr. Luther inquired if any disposition had been made in the matter of the contested seat, and the protest of Geo W. Hepperly vs. Solomon Geller.

The Chair decided, as there was no testimony before the House, no action could be taken in the matter.

Mr. Hannah offered the following resolution:

Resolved, That the hour of 11, A. M., of Wednesday, October 9th, be fixed for a hearing of the case in the matter of the contested seat of Geo. W. Hepperly vs. Solomon Geller, and that the Secretary be and is hereby instructed to notify the contestant of such appointment, in order that he may in person or by counsel present his case to the Council, at the time specified in this resolution.

Adopted.

NOTICES OF BILLS.

Mr. Stewart gave notice that he would, at an early day, introduce a bill for "An Act relative to Bills of Exchange and Promissory Notes."

Also, a bill for "An Act concerning Attorneys and Counselors at Law."

Mr. Grier gave notice that he would, at an early day, introduce a bill entitled "An Act to provide for the Liens of Mechanics and others."

Mr. Luther gave notice that he would, at an early day, introduce a bill for "An Act regulating proceedings in Criminal Cases in Courts of Justice in this Territory."

Also, a bill for "An Act defining Crimes and Punishments."

Also, a bill concerning Estray Animals.

Mr. Geller gave notice that he would, at an early day, introduce a bill for "An Act to regulate the settlement of the Estates of Deceased Persons."

Mr. Hannah gave notice that he would, at an early day, introduce a bill concerning Corporations for Mining and Mechanical purposes.

Mr. Pugh gave notice that he would, at an early day, introduce a bill to exempt Homestead and other property from forced sale in certain cases.

Also, a bill to provide Revenue for the support of the Territory of Nevada.

Mr. Grier gave notice that he would, at an early day, introduce a bill Dividing the Territory of Nevada into Counties and Judicial Districts.

Also, a bill Concerning Mines and Mining Records.

Mr. Hannah gave notice that he would, at an early day, introduce a bill Relating to the Common Schools.

Mr. Stewart gave notice that he would, at an early day, introduce a bill for "An Act concerning Conveyances."

Also, a bill for "An Act concerning Offices."

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, }
October 4, 1861. }

MR. PRESIDENT This House has appointed Messrs. Osborn, Youngs, and Card, as a committee to act conjointly with a like committee from your Honorable body, to prepare and report joint Rules and Regulations for the government of the two houses.

WM. M. GILLESPIE,
Clerk.

Mr. Pugh offered the following resolution :

Resolved, That the thanks of the Council be presented to Mr. Curry for the use of his house, and for his promptness in bringing the members of the Council to and from Carson City to the capitol.

Moved to lay upon the table,

Ayes and nays were demanded with the following result : ayes, 3 ; nays, 5.

Ayes—Messrs. Grier, Hannah, and Pray 3.

Nays—Messrs. Geller, Pugh, Luther, Stewart, and Van Bokkelen 5.

So the motion was lost.

Ayes and nays were demanded upon the original motion with the following result : ayes, 5 ; nays, 3.

Ayes—Messrs. Geller, Luther, Pugh, Stewart, and Van Bokkelen : 5.

Nays—Messrs. Grier, Hannah, and Pray : 3.

So the resolution was adopted.

Mr. Stewart offered the following resolution :

Resolved, That the Secretary of the Council be requested to report, at his earliest convenience, what clerical assistance is necessary in his department, and that he make such report in writing.

Adopted.

Mr. Grier offered the following resolution :

Resolved, That the good people of Carson are entitled to our thanks for furnishing us with good board and lodging.

Mr. Pugh moved to amend by inserting the words, "after being well paid for it."

Seconded by Mr. Hannah.

The President ruled that the resolution, as presented, was out of order, the same being undignified and inappropriate in this body.

Mr. Hannah appealed from the decision of the Chair ; a vote was taken on the question, "Shall the decision of the Chair stand as the judgment of the Council?"

The question was carried in the affirmative.

So the decision of the Chair was sustained.

On motion Council adjourned to Monday, 7th, at 1½, P. M.

ATTEST :

H. SMEATHMAN,

Secretary of the Council.

J. L. VAN BOKKELEN,

President of the Council.

FIFTH DAY'S PROCEEDINGS.

MONDAY, OCTOBER 7TH, 1861. }

TEN O'CLOCK, A. M. }

Council met pursuant to adjournment; President in the chair.

Roll called.

The Journal of yesterday read and approved.

Mr. Hannah, Chairman of the Committee on Joint Rules and Regulations, reported progress.

COMMUNICATION FROM THE SECRETARY OF THE TERRITORY.

SECRETARY'S OFFICE, CARSON CITY, N. T., }

October 7th, 1861. }

To the Honorable Council and House of Representatives of the Legislative Assembly of the Territory of Nevada:

GENTLEMEN :—Hoping you may find it convenient to adopt a Territorial Seal early in the session, I beg leave to submit for your consideration the following suggestion :

Mountains, with a stream of water coursing down their sides and falling on the overshot wheel of a quartz mill at their base. A miner leaning on his pick and upholding a United States flag. A motto expressing the two ideas of loyalty to the Union and the wealth to sustain it—"volens et potens."

Most respectfully,

Your obedient servant,

ORION CLEMENS,

Secretary of the Territory.

Placed on file.

Mr. Pugh introduced Mr. Isaac Roop, member elect from the Ninth District, who was duly sworn to and subscribed the oath, as

administered by the Hon. George Turner, Chief Justice of the Supreme Court.

Mr. Roop took his seat.

Leave being granted, Mr. Stewart called for the first reading of Council bill No. 1—"An Act adopting the Common Law."

The bill was read a first time.

The rules were suspended, and the bill read a second time and referred to Standing Committee.

Leave being granted, Council bill No. 2—"An Act entitled an act to regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Nevada"—was partly read, when it was moved that the rules be suspended and the further reading dispensed with. The bill was read by title a second time and referred to Standing Committee.

On motion, the printing of the bill was dispensed with.

Mr. Hannah moved that a committee of two be appointed to wait upon the printers and ascertain when the Organic Act and the Governor's Message, ordered printed, would be ready.

The chair appointed Messrs. Hannah and Roop such committee.

Mr. Stewart offered the following resolution :

Resolved, By the Council, the House of Representatives concurring, that the Secretary of the Territory be requested to furnish each member of the Council and House with a copy of the latest edition of Wood's Digest of California Laws, and also of the latest edition of the California Practice Act.

The ayes and noes were demanded, with the following result :

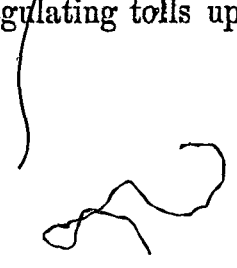
Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart and Van Bokkelen · 9.

Noes—None.

· NOTICES OF BILLS.

Mr. Van Bokkelen gave notice that he would, at an early day, introduce a bill providing for Mining Copartnerships, Dissolution of the same, and Division of Copartnership Property.

Also, a bill concerning Public Ferries, Toll Roads and Toll Bridges, and regulating tolls upon the same.



Also, a bill concerning County Sheriffs, County Clerks, District Clerks, County Recorders, County Treasurers, County Collectors, County Assessors, Justices of the Peace, Notaries, and other elective and appointed officers, and fixing their compensation.

Also, a bill restricting the Location of Slaughter Houses and Corrals in Mining Districts.

On motion, the Council adjourned.

J. L. VAN BOKKELEN,
President of the Council.

ATTEST :

H. SMEATHMAN,
Secretary of the Council.

SIXTH DAY'S PROCEEDINGS.

TUESDAY, OCTOBER 8TH, 1861. }
TEN O'CLOCK, A. M. }

Council met pursuant to adjournment ; President in the chair.

Roll called.

The Journal of yesterday read and approved.

COMMUNICATIONS.

Communications from the express agents, on the subject of supplying the Council with envelopes and express matter, were read and placed on file.

Mr. Hannah reported that the committee had called upon the printers, with reference to the Organic Act and the Governor's Message ordered printed, and that the same would be ready in forty-eight hours.

Moved that the report be received and the committee discharged. So ordered.

Mr. Stewart offered the following resolution :

Resolved, That the Council go into Committee of the Whole for the purpose of considering the bill adopting the Common Law.

Adopted.

Council took a recess.

Mr. Pray, Chairman of the Committee on the bill adopting the Common Law, made the following report:

MR. PRESIDENT:—The Committee to whom was referred the bill adopting the Common Law, report back the bill with amendments, and recommend its passage.

Amendments were concurred in.

Mr. Stewart moved that the bill be considered engrossed, and that the same be read a third time.

Carried.

The bill was then read a third time with the title, "An Act adopting the Common Law." Shall the bill pass?

Ayes and noes were demanded with the following result: Ayes, 9—noes, none:

Ayes—Messrs. Grier, Geller, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Mr. Hannah offered the following resolution:

Resolved, That in the contested seat in this Council, of Geo. W. Hepperly v. Solomon Geller, an order be issued to the Sergeant at Arms, requiring him to subpena such witnesses and present such papers as may be called for, by the Council upon either side, and present the same at the bar of the Council, at the hour set for the hearing of the case.

Adopted.

INTRODUCTION OF BILLS.

Mr. Stewart, by leave, introduced a bill for an act entitled "An Act relative to Bills of Exchange and Promissory Notes."

Read first and second times.

Mr. Stewart moved that the printing of the bill be dispensed with.

Carried.

Mr. Stewart, by leave, introduced a bill for an act entitled "An Act defining the time of commencing Civil Actions."

Read first time.

Mr. Stewart moved that the printing of the bill be dispensed with.

Carried.

Mr. Stewart moved that this bill be referred to the Committee of the Whole.

Carried.

COMMUNICATION FROM THE HOUSE OF REPRESENTATIVES.

MR. PRESIDENT:—I transmit herewith a copy of the letter from the Secretary of the Territory relative to the Territorial Seal; also the action of the House concerning the same.

WM. MARTIN GILLESPIE,
Clerk.

COPY OF LETTER OF THE SECRETARY OF THE TERRITORY.

OCTOBER 7th, 1861.

To the House of Representatives:

Hoping that you may find it convenient to adopt a Territorial Seal early in the session, I beg leave to submit for your consideration the following suggestion: Mountains, with a stream of water coursing down their sides and falling on the overshot wheel of a quartz mill at their base, a miner leaning on his pick and upholding a United States flag, a motto expressing the two ideas of loyalty to the Union and the wealth to sustain it—"Volens et Potens."

Most respectfully,

ORION CLEMENS,

Secretary of the Treasury.

Whereupon Mr. Hannah offered the following resolution: To insert the words "report on Thursday morning a device and appropriate motto for a Territorial Seal," after the words "committee from Council, who shall."

The ayes and noes were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution was adopted.

Chair appointed Messrs. Roop, Hannah, and Grier.

NOTICES OF BILLS.

Mr. Stewart gave notice that he would at an early day introduce a bill for "An Act concerning Holidays and days of

Grace, in the Payment of Bills of Exchange and Promissory Notes."

Also, "An Act concerning Jurors."

Mr. Pugh offered the following resolution:

Resolved, That the parties in the matter of the contested seat of Geo. W. Hepperly v. Solomon Geller, obtaining subpoenas for witnesses over two miles from Carson City, be requested to pay the Sergeant at Arms a reasonable compensation for serving the same, or procure their witnesses at their own expense.

Adopted.

Mr. Grier offered the following resolution:

Resolved, That a committee of three be appointed by the President of the Council to extend an invitation to Lady Franklin, now in Carson City, to visit the Legislative Assembly of the Territory.

Adopted.

The Chair appointed Messrs. Grier, Roop, and Pray, such committee.

NOTICES OF BILLS.

Mr. Luther gave notice that at an early day he would introduce a bill defining "what are lawful fences," and when animals are trespassing on premises lawfully inclosed.

Mr. Hannah gave notice that at an early day he would introduce a bill for "An Act creating and defining the duties of Territorial Auditor."

Also, a bill for creating and defining the duties of Territorial Treasurer.

Mr. Van Bokkelen gave notice that he would at an early day, introduce a bill prohibiting the carrying of Concealed Weapons.

Council took a recess.

Mr. Stewart offered the following resolution:

Resolved, That the Secretary and Assistant Secretary be requested to make inquiries and report on to-morrow what charge per folio they will make to copy, or cause to be copied,

such documents as may be ordered copied by the Standing Committee.

The ayes and noes were demanded with the following result :
Ayes, 9—noes none :

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

On motion of Mr. Luther, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest :

H. SMEATHMAN,
Secretary of the Council.

SEVENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
Wednesday, Oct. 9, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum not being present, the Sergeant at Arms was dispatched for absentees.

Absent—Messrs. Geller, Grier, Luther, Pugh, and Stewart.

Messrs. Pugh and Luther having appeared at the bar, were admitted.

Quorum being present, proceeded to business.

Journal of yesterday read, corrected, and approved.

The Secretary was directed to announce to the House of Representatives the passage of Council Bill No. 1, entitled "An Act Adopting the Common Law."

Communication from Assistant Secretary G. J. Lansing, resigning his position as Assistant Secretary, read and received.

Mr. Pugh moved that the resignation of Mr. Lansing be accepted.

Carried.

Mr. Pugh nominated William H. Barstow for the position of Assistant Secretary.

Ayes and nays were demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—2.

Mr. W. H. Barstow was then sworn in, as Assistant Secretary, by the Hon. George Turner, Chief Justice of the Territory of Nevada.

NOTICES OF BILLS.

Mr. Van Bokkelen gave notice that he would, at an early day, introduce a bill concerning Wills and to regulate the settlement of the Estates of Deceased Persons.

Also, a bill to regulate and establish the form of Official Oaths.

REPORT OF COMMITTEE.

Mr. Hannah, as one of the Committee on Joint Rules and Regulations, reported progress and asked leave to sit again.

Mr. Pray, as one of the committee appointed to wait on Lady Franklin, reported that it was her Ladyship's purpose to visit the Council at 11 A. M.

Mr. Stewart, by leave, introduced Council Bill, No. 3, "An Act to Designate the Holidays to be Observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes."

Rule suspended, bill read first time.

The hour appointed for the hearing of the case, "Hepperly

v. Geller," contested election, having arrived, and no return having been made by the Acting Sergeant at Arms,

Mr. Pugh moved to postpone the case until 2 p. m.
Carried.

The Secretary of the Council transmitted Council Bill No. 1, to the House of Representatives.

The House went into Committee of the Whole, on motion of Mr. Stewart, for the consideration of Council Bill No. 3, entitled "An Act relative to Bills of Exchange and Promissory Notes."

In Council—President in the chair.

Mr. Pugh, chairman of committee, reported Council Bill No. 3, "An Act relative to Bills of Exchange and Promissory Notes," with amendments, and recommended its passage.

Report accepted.

Mr. Stewart moved that the rules be suspended and that the bill be read a third time and engrossed.

Carried.

Mr. Pugh moved that the further reading of the bill be dispensed with, and that it be passed to its final passage.

Carried.

Bill placed on its final passage: Ayes, 7—nays, none:

Ayes—Messrs. Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—2.

Council took a recess.

Council reassembled.

Mr. Pugh offered the following resolution:

Resolved,¹ That the committee appointed by the President to wait on Lady Franklin to extend to her an invitation to visit the Legislature, be discharged, with the thanks of the Council

for the able manner in which they have discharged the duties assigned them, and have leave to sit again.

Mr. Hannah moved to lay it upon the table.

The ayes and nays were demanded, with the following result: Ayes, 6—nays, 2:

Ayes—Messrs. Hannah, Luther, Pray, Roop, Stewart, and Van Bokkelen—6.

Nays—Messrs. Grier and Pugh—2.

So the resolution was laid on the table.

The hour having arrived to which the case of *Hepperly v. Geller*, contested seat, was postponed, the case was called before the Council.

Messrs. Clayton & Musser were admitted to the bar to plead the case of contestant.

Messrs. James & Gilchrist, for the respondent.

The Secretary of the Territory not answering to the summons served upon him from this Council, the Secretary of the Council was instructed to issue an *alias*, requiring his immediate presence.

Council took a recess.

Council reassembled—President in the Chair.

The Sergeant at Arms made return of *alias* on the Secretary of the Territory.

The Secretary of the Territory not appearing to the *alias*, the Secretary of the Council was instructed to issue an attachment directing the Sergeant at Arms to bring the body of the Secretary of the Territory.

On motion, the Council took a further recess.

Council reassembled—President in the Chair.

The Sergeant at Arms made return of attachment, by producing the body of the Secretary of the Territory.

Case of Hepperly v. Geller, contested election, proceeded with.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

EIGHTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
Thursday, Oct. 10, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Hannah, by request, offered an apology on behalf of Orion Clemens, the Secretary of the Territory, for his non-appearance yesterday, in obedience to the summons issued by this House.

CONTESTED ELECTION.

Geo. W. Hepperly v. Solomon Geller.

Counsel appeared at the bar of the Council and the case was then entered upon.

The Sergeant at Arms made his return to the summons served.

On motion, Mr. C. B. Bryant was admitted as counsel for incumbent.

James Gregory and Henry Miller not answering to their names in reply to summons, Mr. Stewart moved that an attach-

ment be directed to the Sergeant at Arms by this Council, demanding him to bring their bodies, and that he take with him as assistant the Messenger to enforce the writ.

Adopted.

Attachments issued.

The case of *Hepperly v. Geller* was postponed to Tuesday, 15th inst.

The regular business of the Council was proceeded with.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 9th, 1861. }

MR. PRESIDENT:—The House have this day passed the following:

Resolved, That the Honorable the Council be requested to appoint a committee to confer with a committee of the House, (the Standing Committee on the Election and Division of Towns and Counties), on the subject of the division of the Territory into towns and counties.

WM. MARTIN GILLESPIE,
Clerk.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 9th, 1861. }

MR. PRESIDENT:—The House has this day concurred in the Council's amendments to the House resolution concerning a Territorial Seal, which by communication of the Council reads as follows, viz:

Strike out all after the words "who shall report on Thursday morning a device and appropriate motto for a Territorial Seal."

WM. MARTIN GILLESPIE,
Clerk.

The Secretary and Assistant Secretary reported, that the engrossing required for this Council, would be performed at sixteen cents per actual folio, whereupon Mr. Stewart offered the following resolution:

Resolved, That so much copying and engrossing as has been done, or may hereafter be done, by the Secretary under the direction of the Council, shall be added at the rate of sixteen

cents per folio; *provided*, this resolution shall not be construed as a permanent contract, but the Council shall at any time be at liberty to make other arrangements for copying and engrossing.

Adopted.

Mr. Hannah offered the following concurrent resolution:

Resolved, By the Council, the House concurring, that Henry De Groot be, and he is hereby, employed to draft a map of Nevada Territory, on a scale of ten miles to the inch, for the use of the Legislature, for such reasonable compensation as the Legislature may hereafter allow; *provided*, the same can be completed within ten days.

The ayes and nays were demanded with the following result:

Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

REPORT.

Mr. Hannah, chairman of Committee on Joint Rules, made the following report:

MR. PRESIDENT:—The committee to whom was referred the matter of Joint Rules for the government of the two Houses, beg leave to report, that they have had the matter under consideration, in conjunction with a committee of three from the House, and find such a radical difference of opinion, that an agreement is wholly impossible, and recommend a Committee of Conference to meet a similar committee of the House on the subject.

Mr. Grier moved that a committee of three be appointed as Committee of Conference with the House of Representatives on Joint Rules.

Carried.

The Chair appointed Messrs. Stewart, Pugh, and Hannah, as such committee.

On motion, the President of the Council and Speaker of the House were added to the committee.

Council took a recess.

In Council.

MESSAGE FROM THE GOVERNOR.
TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
October 10th, 1861.

To the Council and House of Representatives:

GENTLEMEN:—I have the honor to transmit a copy of all the Proclamations issued by me from the time of the organization of the Territory to the present time, together with the order for taking the census, and the report of the person appointed to take the census.

I do this that you may be fully apprised of all that had been done up to the time of the convening of your respective bodies.

JAMES W. NYE,
Governor of the Territory of Nevada.

Proclamation No. 1.—On the Formation of the Territory.

Proclamation No. 2.—Defining Judicial Districts and assigning Judges.

Proclamation No. 3.—Calling an Election.

Proclamation No. 4.—Ordering term of Court in the First District.

Proclamation No. 5.—Creating Precinct No. 3.

Proclamation No. 6.—Changing Election Poll in Precinct No. 1.

Order to take the Census.

Census Report.

Proclamation No. 7.—Announcing result of Election.

Mr. Hannah moved that the documents be referred to a committee.

Carried.

INTRODUCTION OF BILLS.

Mr. Stewart, by leave, introduced Council Bill No. 6, "An Act relative to Attorneys and Counselors at Law."

Placed on file.

Mr. Van Bokkelen introduced Council Bill No. 7, "An Act to regulate Official Oaths."

Placed on file.

Mr. Roop offered the following resolution:

Resolved, That the Secretary of the Council be directed to

furnish the Reporters with "legal cap" for paper for taking short-hand notes, and such other stationery as may be necessary.

Adopted.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,

Secretary of the Council.

NINTH DAY'S PROCEEDINGS

COUNCIL CHAMBER.

Friday, Oct. 11, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Journal read, amended, and approved.

NOTICES OF BILLS.

Mr. Hannah gave notice that he would at an early day, introduce a bill for the Relief of Henry De Groot, of the Territory of Nevada.

Mr. Pugh gave notice that he would, at an early day, introduce a bill for the Relief of the Indigent Sick in the Counties of Nevada.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Oct. 10, 1861. }

MR. PRESIDENT :—The House have appointed, on their part, the following members as a Committee of Conference on Joint Rules and Regulations: Messrs. Ford, Teall, and Winters.

The House transmits herewith, for the concurrence of the Honorable the Council, the following House Bill, entitled "An

Act empowering the Governor to appoint Commissioners of Deeds and defining the duties of such Office."

Also, a Joint Resolution establishing an enacting clause for all future acts of the Legislative Assembly of the Territory of Nevada.

WM. MARTIN GILLESPIE,
Clerk.

Council Bill, No. 6, "An Act relative to Attorneys and Counselors at Law."

Read first time.

Rules suspended and Bill No. 6 read second time and referred to Standing Committee, printing of bill dispensed with.

Council Bill No. 7, "An Act to regulate Official Oaths."

Read first time.

Rules suspended and Bill No. 7 read second time and referred to Standing Committee, printing dispensed with.

Mr. Stewart moved that the rules be suspended and House Bill "An Act empowering the Governor to appoint Commissioners of Deeds and defining the duties of such Office."

Also, House Joint Resolution "Establishing an Enacting Clause."

Read first and second times and referred to Standing Committee.

Council went into Committee of the Whole.

In Council.

Mr. Stewart, by leave, introduced Council Bill No. 8, "An Act concerning Conveyances."

Placed on file.

REPORTS.

Mr. Hannah, Chairman of Engrossing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 3, "An Act relative to Bills of Exchange and Promissory Notes," beg leave to report the same as correctly engrossed.

Mr. Luther, Chairman of Standing Committee, made the following report.

MR. PRESIDENT:—Your committee to whom was referred House Bill "An Act empowering the Governor to appoint Commissioners of Deeds and defining the duties of such Office," with amendments.

Also, Joint Resolution, "Establishing an Enacting Clause of all future Acts of the Legislative Assembly of the Territory of Nevada," as approved.

Also, Council Bill No. 7, "An Act to regulate Official Oaths," as approved, and recommend their passage.

Council went into Committee of the Whole.

In Council.

REPORT.

Mr. Grier, chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee to whom was referred House Bill "An Act Empowering the Governor to Appoint Commissioners of Deeds and Defining the Duties of such Office," with amendments.

Also, House Joint Resolution, "Establishing an Enacting Clause of all future Acts of the Legislative Assembly of the Territory of Nevada."

Also, Council Bill No. 7, "An Act to Regulate Official Oaths," without amendments, beg leave to report the same back and recommend their passage.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 11, 1861. }

MR. PRESIDENT:—The House has, this day, concurred in the passage of the Council Resolution which adds the presiding officers to the Committee of Conference on Joint Rules.

WM. MARTIN GILLESPIE,
Clerk.

Mr. Luther introduced Council Bill No. 9, "An Act Concerning Crimes and Punishments."

Rules suspended, and House Joint Resolution "Establishing an Enacting Clause," read third time and placed on its final passage.

Shall the resolution pass?

Ayes and nays demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution passed.

Rules suspended and House Bill, "An Act Empowering the Governor to appoint Commissioners of Deeds and Defining the Duties of such Office," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—Messrs. Grier and Hannah—2.

So the bill passed.

Rules suspended and Council Bill No. 7, "An Act to Regulate Official Oaths," read third time and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Ordered engrossed.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President of the Council.

Attest:

H. SMEATHMAN,

Secretary of the Council.

TENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
October 12, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

INTRODUCTION OF BILL.

Mr. Luther introduced Council Bill No. 10, "An Act Concerning Estray Animals."

Placed on file.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 12, 1861. }

MR. PRESIDENT:—I return, herewith, Council Bill No. 1, "An Act Adopting the Common Law," the House having concurred therein, after making an amendment thereto, as follows:

"SEC. 1. This act shall take effect from and after its passage."

WM. MARTIN GILLESPIE,
Clerk.

On motion to concur in the amendment, offered by the House, to Council Bill No. 1, "An Act Adopting the Common Law," the ayes and nays were demanded with the following result: Ayes, 8—nays, 1:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nay—Mr. Van Bokkelen—1.

So the amendment was concurred in.

On motion, the rules were suspended and Council Bill No. 1, read third time and placed on its final passage.

Shall the bill pass, as amended?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed as amended.

On motion, Council Bill No. 10, "An Act Concerning Estray Animals," was removed from file and read first time.

Rules suspended, and Council Bill No. 10, read second time and referred to Standing Committee.

On motion, Council Bill No. 9, "An Act Concerning Crimes and Punishments," read first time.

Rules suspended, read second time and referred to Standing Committee.

Mr. Hannah introduced Council Bill No. 11, "An Act Creating the Office and Defining the Duties of Territorial Auditor."

Rules suspended, and Council Bill No. 11, read first and second times and referred to Standing Committee.

On motion, Council Bill No. 4, "An Act Defining the Time of Commencing Civil Actions," was read second time and referred to Standing Committee.

On motion, Council Bill No. 5, "An Act to Designate Holidays and Days of Grace," read second time and referred to Standing Committee.

On motion, the printing of the four bills, Nos. 8, 9, 10, and 11, was dispensed with.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

ELEVENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,

October 14, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Luther was granted leave of absence on account of sickness.

Rules suspended and Mr. Roop, without previous notice, by leave, introduced Council Bill No. 12, "An Act to restrict Herding of Sheep, Cattle, Mules, Jacks, Jennets, Goats, or Hogs."

Placed on file.

Mr. Pugh introduced Council Bill No. 13, "An Act to Exempt Homestead and other Property from forced sale, in certain cases."

Placed on file.

Mr. Pugh reported Council Bill No. 7, "An Act to regulate Official Oaths," as correctly engrossed.

Mr. Stewart, Chairman of Committee on Joint Rules, reported back the Joint Rules and Regulations, recommending their adoption.

JOINT RULES AND ORDERS.

No. I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber and state to each verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

No. II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

No. III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

No. IV.

While bills are on their passage between the two Houses, they shall be on paper either written or printed, or both, and under the signature of the Secretary or Clerk of each House, respectively.

No. V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or the Secretary of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the Territory.

No. VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Council and the House of Representatives, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

No. VII.

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives, then by the President of the Council.

No. VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the Territory, for his approval, (it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated) *and shall be entered on the Journals of each House.*

The said committee shall report the day of presentation to

the Governor, which time shall also be carefully entered on the Journals of each House.

No. IX.

All orders, resolutions, and votes, which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee, as provided in the case of bills.

No. X.

When the Council and House of Representatives shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Council, in the presence of the Speaker and both Houses.

No. XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

No. XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

No. XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

No. XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

No. XV.

No bill or resolution that shall have passed the House of Representatives and Council shall be presented to the Governor for his approval on the last day of the session.

No. XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

No. XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be

ordered except by a concurrent resolution passed by both Houses.

No. XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

CONCURRENT RESOLUTION.

Mr. Stewart offered the following Concurrent Resolution :

Resolved, By the Council, the House concurring, that these Joint Rules and Orders be adopted for the government of the two Houses, until otherwise ordered.

Report received and committee discharged.

On motion, rules suspended, and report adopted.

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther.

So the report was adopted.

On motion, Council Bill No. 6, "An Act Concerning Attorneys and Counselors at Law," read first time.

Rules suspended, read second time and referred to Standing Committee.

Mr. Stewart gave notice that, at some future day, he would introduce a bill concerning Judgments and Legal Proceedings heretofore rendered and had in the Court of Carson.

Mr. Pugh gave notice that he would, at some future day, introduce a bill to create a Board of Commissioners in the counties of this Territory.

Mr. Hannah introduced Council Bill No. 14, "An Act Creating the Office and Defining the Duties of the Territorial Treasurer."

Rules suspended, and Council Bill No. 14, read first and second times, and referred to Standing Committee.

Council took a recess.

In Council.

Council Bill No. 5, "An Act to Designate the Holidays to be Observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes."

Also, Council Bill No. 6, "An Act Relative to Attorneys and Counselors at Law."

Also, Council Bill No. 8, "An Act concerning Conveyances," reported back from Standing Committee and referred to Committee of the Whole.

Mr. Hannah gave notice that he would, at some future day, introduce a bill granting to the Secretary of the Territory, compensation for Certificates and Seal of Office.

Mr. Stewart moved that the act concerning Conveyances, be engrossed.

Carried.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

TWELFTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

Oct. 15, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Grier introduced Council Bill No. 15, "An Act concerning the Liens of Mechanics, Laborers, and other Persons."

Placed on file.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES. }
Oct. 12, 1861. }

MR. PRESIDENT:—The House has, this day, concurred in the Council's amendment to House Bill, "An Act empowering the Governor to appoint Commissioners of Deeds and defining the Duties of such Office."

WM. MARTIN GILLESPIE,
Clerk.

The President instructed the Secretary of the Council to return the House Bill, "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the Duties of such Office," and to inform that Body that as soon as the same had been properly enrolled and examined by the Enrolling Committee of the Council and House, that the same would receive the necessary signature.

On motion, Council Bill No. 12, "An Act to restrict the Herding of Sheep, Cattle, Mules, Jacks, Jennets, Goats, or Hogs," read first time.

On motion, Council Bill No. 13, "An Act to Exempt Homestead and other Property from forced Sale in certain Cases," read first time.

Council took a recess.

In Council.

Mr. Grier, Chairman of the Committee of the Whole, reported back Council Bill No. 6, "An Act concerning Attorneys and Counselors at Law," recommending its passage.

Mr. Geller, by leave, retired.

The hour having arrived for the Special Order of the day, viz: The Contested Seat, Hepperly v. Geller, was taken up.

The return of the Sergeant at Arms, upon the attachment issued from this Council, demanding him to bring the body of Jas. Gregory was read, and the said Jas. Gregory appeared on the floor of the Council.

The case was then proceeded with.

After evidence and argument, the Chamber was cleared, when the Council took the matter under consideration.

The Sergeant at Arms was directed to announce that the Council was now open.

Mr. Pugh offered the following resolution :

Resolved, That the matter of the contested election of Hepperly v. Geller, having been heard by this Council, upon the testimony of witnesses, argument of attorneys, and authorities submitted; and the Council being fully advised in the premises, it is, thereupon, found that the grounds set forth in the protest are not sustained; and, further, that the said Solomon Geller is entitled to his seat in this Council, legally and of right.

The ayes and nays were demanded on the adoption of the resolution, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Geller.

So the resolution was adopted.

The Sergeant at Arms was directed to inform Mr. Geller to take his seat.

Mr. Gregory was then called to the bar of the Council to answer for contempt.

On motion, Mr. Gregory was excused and discharged from arrest.

Mr. Grier gave notice that he would introduce, at an early day, a bill relating to Marriage and Divorce.

Mr. Hannah introduced Council Bill No. 16, "An Act to authorize the Secretary of the Territory to receive compensation for Certificate and Seal."

Placed on file.

Council took a recess.

In Council.

Rules suspended, and Council Bill No. 6, "An Act relative to Attorneys and Counselors at Law," read third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—Messrs Grier and Hannah—2.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Oct. 15, 1861. }

MR. PRESIDENT:—I have been ordered by the House to respectfully inform your Honorable Body that concerning the refusal of the officers of the Honorable, the Council, to sign the House Bill, "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the Duties of such Office," that the House has no knowledge of the existence of a Joint Enrolling Committee, and they respectfully request that the necessary signatures may be placed to the bill, the same having passed the Council; the House having been advised thereof, by message, on the 12th inst., from the Secretary of the Council.

WM. MARTIN GILLESPIE,
Clerk.

On motion, the communication was laid on the table, to await the report of the Committee on Joint Rules.

Rules suspended, and Council Bill No. 5, "An Act concerning Holidays and Days of Grace," was read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 7—nays, none:

Ayes—Messrs. Geller, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—Messrs. Grier and Hannah—2.

So the bill passed.

Ordered engrossed.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

THIRTEENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
October 16, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pray asked leave of absence for Mr. Hannah.

Leave granted.

Committee on Territorial Seal asked further time.

Time allowed.

Council Bill No. 15, "An Act concerning the Liens of Mechanics, Laborers, and other persons."

Read first time.

Also, Council Bill No. 16, "An Act to authorize the Secretary of the Territory to receive Compensation for Certificate and Seal of Office.

Read first time.

Council took a recess.

In Council.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 15, 1861. }

MR. PRESIDENT:—The House has this day passed Council Concurrent Resolution ordering the Secretary of the Territory to furnish each member of the Council and House of Representatives with a copy of the latest edition of "Wood's Digest" of California Laws, and also, the latest edition of the "California Practice Act."

WM. MARTIN GILLESPIE,
Clerk.

Mr. Luther, Chairman of the Standing Committee, reported back Council Bill No. 10, "An Act concerning Estray Animals," with amendment and recommend its passage.

Ordered engrossed.

Mr. Pugh, Chairman of Engrossing Committee, reported Council Bill No. 5, "An Act to Designate the Holidays to be observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes," as correctly engrossed.

Also, Council Bill No. 6, "An Act relative to Attorneys and Counselors at Law," as correctly engrossed.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

FOURTEENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

October 17, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Journal read and approved.

Mr. Luther introduced Council Bill No. 17, "An Act defining Lawful Fences."

Placed on file.

Council took a recess.

In Council.

Mr. Luther Chairman of the Committee of the Whole, reported back Council Bill No. 10, "An Act concerning Estray Animals," recommending its passage.

Also, Council Bill No. 8, "An Act concerning Conveyances," recommending its passage.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }

October 16, 1861.

MR. PRESIDENT:—The House this day passed the concurrent resolution of the Council adopting the Joint Rules as passed by your Honorable Body, without amendment.

WM. MARTIN GILLESPIE,
Clerk.

Rules suspended, and Mr. Hannah without previous notice, by leave, introduced Council Bill No. 18, "An Act to Legalize the Official acts of Stephen A. Kinsey and Edward C. Morse, acting as Recorders in Carson County, during the years 1860-61.

Placed on file.

On motion, Messrs. Pugh, Pray, and Stewart were appointed as Enrolling Committee to act in conjunction with a like com-

mittee appointed by the House, in examining all enrolled bills and other documents.

On motion, Council Bill No. 10, "An Act concerning Estray Animals" was referred back to Committee of the Whole.

The Council then went into Committee of the Whole.

In Council.

Mr. Luther, Chairman of Committee of the Whole, reported back Council Bill No. 10, "An Act concerning Estray Animals," with amendment, recommending its passage.

Rules suspended and Council Bill No. 10, read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

So the bill passed.

Ordered engrossed.

Rules suspended and Council Bill No. 8, "An Act concerning Conveyances" read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays, none.

So the bill passed.

Mr. Hannah gave notice that he would introduce, at an early day, a bill for the Relief of John L. Blackburn.

Mr. Hannah offered the following resolution:

Resolved, That the Reverend F. A. White be and is hereby authorized to officiate as Chaplain of the Council.

Mr. Pugh offered as an amendment in the form of a substitute to the Resolution, the following:

Resolved, That the Reverend H. Smeathman be, and hereby is, appointed Chaplain of the Council.

A motion was made to lay the substitute on the table.
Lost.

Ayes and noes demanded on the adoption of the substitute, with the following result: Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Luther, Pugh, Roop, Stewart, and Van Bokkelen—6.

Nays—Messrs. Grier, Hannah, and Pray—3.

So the substitute was adopted.

Mr. Pugh gave notice that he would introduce at an early day a bill authorizing the Governor to fill by appointment, the various county offices of this Territory, and to fill any vacancies that may occur in the same, till the same be filled by an election ordered by the Governor and Legislative Assembly of the Territory of Nevada.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

FIFTEENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER. }
October 18th, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

INTRODUCTION OF BILLS.

Mr. Pugh introduced Council Bill No. 19, "An Act to provide for the assessing and collecting County and Territorial Revenue."

Placed on file.

Mr. Hannah introduced Council Bill No. 20, "An Act to audit the claim of Jno. L. Blackburn, and to provide for the payment of the same."

Rules suspended and read first time.

Mr. Hannah, of Committee on Territorial Seal, reported progress and asked for further time.

Time granted.

On motion, Council Bill No. 17, "An Act defining Lawful Fences." Also, Council Bill No. 18, "An Act to legalize the acts of Stephen A. Kinsey and Edward C. Morse, acting as Recorders in Carson County during the years 1860 and 1861, were read first time.

On motion, Council Bill No. 12, "An Act to restrict the herding of Sheep, Cattle, Horses, Mules, Jacks, Jennets, Goats, and Hogs." Also, Council Bill No. 13, "An Act to exempt Homestead and other Property from Forced Sale in certain cases," were read second time and referred to Standing Committee.

On motion, Council Bill No. 15, "An Act concerning the Liens of Mechanics, Laborers, and others," was laid on the table.

On motion, Council Bill No. 16, "An Act authorizing the Secretary of the Territory to receive compensation for Certificate and Seal of Office." Also, Council Bill No. 17, "An Act defining Lawful Fences," were read the second time and referred to Standing Committee.

Mr. Pugh gave notice that he would at an early day introduce a bill relative to Weights and Measures in the Territory of Nevada.

Mr. Luther introduced Council Bill No. 21, "An Act to regulate proceedings in Criminal Cases in the Courts of Justice in this Territory."

Rules suspended and bill read first and second times and referred to Standing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 17, 1861. }

MR. PRESIDENT:—The House this day nonconcurrent in the Council's Concurrent Resolution, authorizing Dr. Henry De Groot to furnish a map of the Territory for a compensation, for the reason that Dr. De Groot has gratuitously presented the Legislative Assembly with such map. In lieu of the Concurrent Resolution above referred to, the House adopted the following:

Resolved, That the map of the Territory presented to the House by Dr. De Groot be accepted, with the thanks of the House for his valuable and important present, and that the Clerk be directed to send a copy of this resolution to the donor.

In accordance with the requirements of the Joint Rules, the Speaker has designated Messrs. Teall, Card, and Harrington as a Committee on Enrollment on the part of the House.

WM. MARTIN GILLESPIE,
Clerk.

Council took a recess.

In Council.

Mr. Hannah, Chairman of Engrossing Committee, reported Council Bill No. 4, "An Act defining the Time of commencing Civil Actions," as correctly engrossed.

Mr. Hannah offered the following resolution:

Resolved, That Messrs Lewis and Sewall be requested to report to the Council, through the Secretary, on to-morrow morning whether it is a rule of the office that the Council shall furnish the proof reader for the printing office for such matter as is required to be printed for the Council.

Adopted.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

SIXTEENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
October 19, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

NOTICES OF BILLS.

Mr. Luther gave notice that he would introduce, at an early day, a bill to prevent the driving of Stock from the range in which they run.

Mr. Roop gave notice that he would introduce, at an early day, a bill to prohibit the cohabitation and marriage of Whites with Indians, Chinese, Mulattoes, and Negroes.

Also, a bill relating to Roads and Highways.

Also, a bill to regulate the sale of Spirituous Liquors.

Also, a bill to protect Wild Game and Fish.

Mr. Hannah, Chairman of Engrossing Committee, reported Council Bill No. 10, "An Act concerning Estray Animals," as correctly engrossed.

By unanimous consent, Council Bill No. 10, was reconsidered and referred back to Committee of the Whole.

Yesterday's communication from the House, relative to ex-

tending a vote of thanks to Dr. H. De Groot for furnishing a map of Nevada Territory to that body, was read and laid on the table.

Council Bill No. 19, "An Act to provide for the assessing and collecting of County and Territorial Revenue," read first time.

The Secretary reported that he had conferred with Messrs. Lewis & Sewall of the *Silver Age*, on the matter noticed by the honorable member from Gold Hill, (introduced on the 18th inst.,) and has to inform this Honorable Council that the above named gentlemen do not require a proof-reader from this Council, but will strike off the slip of each day's approved Journal, as sent from the Secretary's desk.

The printed slips will be sent to the Secretary's office each evening for examination, and immediately thereafter, struck off; thus, on the third day, the Proceedings would be distributed to each member.

The Secretary undertakes to have the slips ready for the printer by midday, from the present period.

Mr. Stewart offered the following resolution:

Resolved, That the Secretary of the Council furnish, as speedily as possible, a copy from the approved Journal of this House to the printer, and that he be responsible for the correctness of such copy, and that he receive the usual copying fees for the same.

On the adoption of the resolution, ayes and nays were demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Excused—Mr. Grier—1.

So the resolution was adopted.

Council took a recess.

In Council.

Mr. Grier, Chairman of Standing Committee, reported back Council Bill No. 4, "An Act defining the Time of commencing Civil Actions."

Referred to Committee of the Whole.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

SEVENTEENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
October 21, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

NOTICES OF BILLS.

Mr. Pugh gave notice that he would, at an early day, introduce a bill to legalize the acts of Edward Gallagher, Jas. M. Braley, and R. W. Wilson, Recorders in that portion of Nevada Territory that California has assumed jurisdiction over.

Also, a bill to prevent fraudulent Voting and Ballot Box Stuffing.

INTRODUCTION OF BILLS.

Mr. Pugh introduced Council Bill No. 22, "An Act relative to Weights and Measures."

Mr. Roop introduced Council Bill No. 23, "An Act to pro-

hibit the Cohabitation and Marriage of Whites with Indians, Chinese, Mulattoes, and Negroes."

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,)
October 21, 1861. }

MR. PRESIDENT:—I transmit, herewith, for the concurrence of the Council, the following House Bills, viz:

"An Act to provide for the formation of Corporations for certain Purposes."

Also, "An Act for securing Liens to Mechanics and Others."

Also, "An Act for the better Observance of the Lord's Day."

I also return the following Council Bills, the House having concurred in their passage without amendments, viz:

"An Act to regulate Official Oaths."

Also, "An Act to designate the Holidays to be observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes."

I also return the Council Bill "An Act relative to Bills of Exchange and Promissory Notes," the House having concurred therein after amending the enacting clause so as to conform to the Joint Resolution establishing such enacting clause.

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council concurred in the amendment offered by the House to Council Bill, "An Act relative to Bills of Exchange and Promissory Notes."

Ordered enrolled.

On motion, Council Bill No. 18, "An Act to Legalize the Acts of Stephen A. Kinsey and Edward C. Morse, acting as Recorders in Carson County during the years 1860 and 1861."

Also, Council Bill No. 19, "An Act to provide for the Assessing and Collecting of County and Territorial Revenue."

Also, Council Bill No. 20, "An Act to Audit the Claim of John L. Blackburn, and to provide for the Payment of the same."

Read second time, and referred to Standing Committee.

Council took a recess.

In Council.

Mr. Hannah, Chairman of Standing Committee, reported back Council Bill No. 9, "An Act concerning Crimes and Punishments," with amendments, and recommended its passage.

Referred to Committee of the Whole and ordered engrossed.

Mr. Pugh presented a Memorial from San Francisco, protesting against the passage of House Bill, "An Act to provide for the formation of Corporations for certain Purposes."

Read and placed on file.

Mr. Hannah introduced Council Bill No. 24, "An Act to Audit the Claim of Henry De Groot and provide for the Payment of the same."

Rules suspended, and Council Bill No. 24, read first time.

Motion to adjourn was lost.

Mr. Hannah, Chairman of Committee of the Whole, reported back Council Bill No. 4, "An Act defining the Time of commencing Civil Actions," and recommended its passage.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

EIGHTEENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
October 22, 1861. }

Council met pursuant to adjournment.

President in the chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Van Bokkelen offered the following concurrent resolutions :

WHEREAS, The peace and harmony of our beloved Union after years of prosperity unprecedented in the annals of national history have been suddenly disturbed, and revolutionary theories destructive of all constitutional liberty heretofore unthought of are now unblushingly announced and advocated; and, *whereas*, the first Legislative Assembly ever convened within this Territory (which owes so much to the fostering care of our National Government) is now in session, therefore,

Resolved, That we deem a full, fair, and candid expression of our sentiments as not only highly proper but also demanded by the exigencies of the times.

Resolved, That the people of the United States owe a paramount allegiance to the National and a subordinate allegiance to their State Governments.

Resolved, That the doctrine that a majority should rule is the only one upon which a revolution can be avoided after the recurrence of each election, and that it is safer to trust to the intelligence of an educated community of voters than to force of arms.

Resolved, That this Government was formed for the purpose of a more perfect Union, and declared to be so formed by "the people of the United States," and therefore that the doctrine that a State may secede from the same is not only vitally at war with the principles upon which it was founded, but also a dangerous heresy.

Resolved, That the doctrine that you cannot *coerce* a State, is a sophism shrewdly framed to prove that our Government is devoid of that element of sovereignty, the right of self-defense and self-protection, and further that we claim that any and all persons who oppose, attack, rob, or commit treason against the National Government may and should be summarily and signally punished, and that thus the sovereignty of the States and the National Government will best be vindicated.

Resolved, That the Constitution provides for its own amendment in a lawful way, and that it is the duty of all our citizens to *obey* until they can *improve* it in the mode prescribed.

Resolved, That we cordially unite in expressing our devoted

loyalty to this Union as our fathers made it, and our undying attachment to the principles of our beloved Constitution; and further, that we will in the language of our estimable Executive, "stretch forth our arm to shield our Government from the parricidal blow now aimed at it," and at the same time notify "all those who would break and destroy it, that they need expect no sympathy or encouragement from this new-born Territory."

On motion, concurrent resolutions laid on the table for one day, for consideration.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Carson City, October 21st, 1861. }

To the Honorable the Council and House of Representatives of Nevada Territory.

I have the honor to submit a memorial and circular together with general directions from the committee appointed to arrange specimens, etc., from the Pacific slope for the great exhibition, or World's Fair, to be held at London, in the year 1862.

The State of California has already appointed Commissioners to represent her and the whole of the western part of the Continent, unless your honorable body should deem the subject of sufficient importance to this Territory to send a Commissioner of your own.

It is of the utmost importance in my judgment that specimens of an unequal richness should be exhibited there together with a good map of the Territory.

There will be congregated the wealth of the world, and there will be presented specimens from all the mineral portion of the earth.

Firmly believing that our specimens will prove richer than any other presented, and plainly foreseeing if that should be the case a great and immediate influx of capital from the old world here, I recommend that such measures should be adopted and such appropriation made, as shall secure a fair and full exhibition of our mineral wealth, at said exhibition.

Whichever course you may think best to pursue, either to send a Commissioner from this Territory or to adopt the one appointed by California in the geological department, an appropriation will be necessary, for the reason that specimens will have to be procured properly encased and forwarded to the Commissioners of California, and freight paid; also to pay the

expense of arranging and preparing the specimens for final shipment to London and putting them on exhibition there

I am informed that no doubt is entertained that California will make ample appropriation to send forward her Commissioners and specimens to the exhibition.

Hoping that your honorable body will give this subject your early and earnest attention, and with the assurance of a hearty co-operation on my part in this important measure, to bring to the attention of the world the commanding superiority of our Territory in mineral resources, I shall await your action to give direction to the most effectual means to produce the desired result.

JAMES W. NYE,
Governor of the Territory of Nevada.

Placed on file.

Council went into Committee of the Whole for the consideration of Council Bill No. 4, "An Act defining the time of Commencing Civil Actions."

In Council.

Mr. Hannah, Chairman of Committee of the Whole, reported back Council Bill No 4, with amendments and recommended its passage.

Council Bill No. 4, read third time and placed on its final passage.

Shall the bill pass?

The ayes and noes were demanded with the following result:
Ayes, 9—noes none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

On motion, Council Bill No. 24, "An Act to audit the claim of Henry De Groot and to provide for the Payment of the same," was read the second time and referred to Standing Committee.

Council went into Committee of the Whole for the consid-

eration of Council Bill No. 10, "An Act concerning Estray Animals."

In Council.

Mr. Luther, Chairman of Committee of the Whole, reported back Council Bill No. 10, with amendments, recommending its passage.

Council Bill No. 10, read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council took a recess.

In Council.

Mr. Pugh introduced Council Bill No. 25, "An Act to preserve the purity of Elections and to prevent Ballot Box Stuffing."

Mr. Roop offered the followed resolution:

Resolved, That his Excellency the Governor of this Territory and Leland Stanford Governor elect of the State of California and their suit, be invited to seats within the bar.

On motion, the President appointed Messrs. Roop and Pray to wait upon them.

Mr. Stewart introduced Council Bill No. 26, "An Act concerning Judgments of the Probate Court of Carson County."

Placed on file.

Council went into Committee of the Whole.

In Council.

Mr. Pugh, Chairman of Committee of the Whole, reported

back Council Bill No. 9, "An Act concerning Crimes and Punishments," with amendments, recommending its passage.

Council took a recess.

In Council.

Mr. Hannah, Chairman of Standing Committee, reported progress on Council Bill No. 20, "An Act to audit the claim of Jno. L. Blackburn, and to provide for the Payment of the same," and asked leave to sit again.

Leave granted.

Mr. Luther, Chairman of Standing Committee, reported progress on Council Bill No. 2, Civil Practice Act, and asked leave to sit again.

Leave granted.

On motion, the Council adjourned.

Approved,

J. L. VAN BOKKELEN,

President of the Council.

Attest:

H. SMEATHMAN,

Secretary of the Council.

NINETEENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

October 23, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Hannah moved that a Joint Committee of two be appointed from the Council to act with a like committee from

the House, to draft a message to be forwarded to the President and people of the United States, it having been announced to the Council that the telegraphic wire would be this day connected, and its first use being offered to the Legislative Assembly.

Carried.

The President appointed Messrs. Hannah and Stewart as such committee on part of the Council.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Oct. 23d, 1861 }

MR. PRESIDENT:—The House, this morning, appointed Messrs. Harrington and Youngs as a committee on the part of the House to act conjointly with a like committee on the part of the Council, in the preparation of a message to be transmitted over the telegraphic wires to the President of the United States.

WM. MARTIN GILLESPIE,
Clerk.

The committee to whom was referred the drafting of a telegraphic message, made the following report:

Resolved by the Council, the House concurring, that—

WHEREAS, The privilege of forwarding the first telegraphic message across the continent, has been given to the Legislative Assembly of Nevada Territory; therefore be it,

Resolved, That the said communication shall consist of the following language, viz:

Nevada Territory, through her first Legislative Assembly, to the President and People of the United States—Greeting:

Nevada for the Union, ever true and loyal! The last born of the Nation, will be the last to desert the Flag! Our aid, to the extent of our ability, can be relied upon to crush rebellion.

Signed,

THOS. HANNAH,
WM. M. STEWART,
Committee from the Council.

Signed,

W. P. HARRINGTON,
SAML. D. YOUNGS,
Committee from the House.

On the adoption of the report, the ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the report was adopted.

Mr Pugh presented a petition from the Sixth District.

On the title being read, it was found to be addressed to the members representing the Sixth District and not the Council; it was, therefore, ruled as inadmissible.

Rules suspended and Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 27, "An Act to grant to certain Parties a right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

Placed on file.

Mr. Pugh gave notice that, at some future day, he would introduce a bill to regulate Judgments and Executions at Law.

Mr. Pugh, Chairman of Enrolling Committee, made the following report:

MR. PRESIDENT:—The Committee on Enrollment have examined Council Bill No. 1, "An Act adopting the Common Law."

Also, Council Bill No. 3, "An Act relative to Bills of Exchange and Promissory Notes."

Also, Council Bill No. 5, "An Act to designate Holidays and Days of Grace."

Also, Council Bill No. 7, "An Act to regulate Official Oaths," and find the same correctly enrolled.

Rules suspended, and Council Bill No. 27, "An Act to grant to certain Parties the right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada," read first and second times and referred to Standing Committee.

Council Bill No. 22, "An Act relative to Weights and Measures."

Also, Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians, Chinese, Mulattoes, and Negroes."

Also, Council Bill No. 25, "An Act to preserve the Purity of Elections and to prevent Ballot Box Stuffing."

Also, Council Bill No. 26, "An Act concerning the Judgments of the Probate Court of Carson County," were read first time.

Rules suspended, and Council Bill No. 26, read second time and referred to Standing Committee.

Council took a recess.

In Council.

Mr. Grier, Chairman of Standing Committee, reported back Council Bill No. 20, "An Act to Audit the Claim of Jno. L. Blackburn and to provide for the Payment of the same," with amendments.

Also, Council Bill No. 26, "An Act concerning the Judgments of the Probate Court of Carson County," recommending their passage.

Also, Council Bill No. 20, "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in Nevada Territory," reported progress, and asked leave to sit again.

Leave granted.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

TWENTIETH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
October 24, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal of yesterday read, corrected, and approved.

Mr. Hannah presented a Petition from the citizens of this Territory, praying for the passage of the House Corporation Bill now before the Council.

Read and placed on file.

Concurrent Resolution, "Relative to the Rebellion now devastating a portion of the United States," taken from file.

Read first, second, and third times, and placed on its final passage.

The ayes and nays were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution was adopted.

Mr. Grier introduced Council Bill No. 28, "An Act relating to Marriage and Divorce."

Placed on file.

Mr. Pugh introduced Council No. 29, "An Act to regulate Judgments and Executions at Law."

Placed on file.

Mr. Luther introduced Council Bill No. 30, "An Act to prevent the Driving of Stock from their Ranges."

Mr. Hannah, Chairman of Committee on Territorial Seal, reported progress and asked leave to sit again.

Leave granted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 October 24, 1861.

MR. PRESIDENT:—The House transmits, herewith, for the concurrence of the Honorable, the Council, the following bill, entitled "An Act relating to Elections, and the Mode of supplying Vacancies "

SAML. E. WETHERILL,
 Assistant Clerk.

Rules suspended, and Council Bill No. 29, "An Act to regulate Judgments and Executions at Law."

Also, Council Bill No. 28, "An Act relating to Marriage and Divorce "

Also, Council Bill No. 30, "An Act to prevent the Driving of Stock from their Ranges."

Read first time.

Rules suspended, and Council Bill No. 29, read second time and referred to Standing Committee.

Council went into Committee of the Whole for consideration of Council Bill No. 20, "An Act to Audit the Claim of John L. Blackburn and to provide for the Payment of the Same."

—
 In Council.

Mr. Pugh, Chairman of Committee of the Whole, reported back Council Bill No. 20, "An Act to Audit the Claim of Jno. L. Blackburn, and to provide for the Payment of the Same."

Also, Council Bill No. 26, "An Act concerning Judgments of the Probate Court of Carson County," with amendments, recommending their passage as amended.

Rules suspended, and Council Bill No. 20, as amended, read third time and placed on its final passage.

The ayes and nays were demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Roop, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Excused—Mr. Luther—1.

So the Bill passed.

Rules suspended, and Council Bill No. 26, "An Act concerning the Judgments of the Probate Court of Carson County," read third time and placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council took a recess.

In Council.

Mr. Luther, Chairman of Standing Committee, reported progress on Council Bill No. 21, "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice of this Territory," and asked leave to sit again.

Leave granted.

Mr. Hannah, Chairman of Engrossing Committee, reported as correctly engrossed:

Council Bill No. 20, "An Act to Audit the Claim of John L. Blackburn, and to provide for the Payment of the Same."

Also, Council Bill No. 26, "An Act concerning Judgments of the Probate Court of Carson County."

On motion, Mr. Crocker was invited inside the bar to give explanations in relation to Council Bill No. 27, "An Act granting to certain Parties the right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

Motion to adjourn was lost.

Mr. Stewart moved that Council Bill No. 27, be made the Special Order for to-morrow, at 12½ o'clock.

Carried.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

TWENTY-FIRST DAY'S PROCEEDINGS

COUNCIL CHAMBER,

October 25th, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Roop gave notice that he would introduce at an early day a bill relating to Surveyors and Surveying.

Mr. Pugh gave notice that he would at an early day introduce a bill to provide for the enumeration of white male inhabitants, above the age of twenty-one years, in this Territory.

Council went into Committee of the Whole to take into consideration Council Bill No. 9, "An Act concerning Crimes and Punishments."

In Council.

Mr. Grier, Chairman of Committee of the Whole, reported back Council Bill No. 9, with amendments recommending its passage.

Council Bill No. 9 read third time and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Ordered engrossed.

Council took a recess.

In Council.

Mr. Luther, Chairman of Standing Committee, reported back Council Bill No. 13, "An Act to Exempt Homestead and other Property from forced Sale in certain Cases."

Referred to Committee of the Whole.

Council went into Committee of the Whole to take into consideration Council Bill No. 13.

In Council.

Mr. Pray, Chairman of Committee of the Whole, reported back Council No. 13, and recommended its passage.

Rules suspended, and Council Bill No. 13, "An Act to Exempt Homestead and other Property from forced Sale in certain cases" read third time and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Roop introduced Council Bill No. 31, "An Act relating to Wild Game and Fish."

Placed on file.

Council took a recess.

In Council.

Mr. Luther, Chairman of Standing Committee, to whom was referred Council Bill No 27, "An Act granting to certain Parties the right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada," reported the same back.

Council went into Committee of the Whole to take into consideration Council Bill No. 27.

In Council.

Mr. Roop, Chairman of Committee of the Whole reported progress on Council Bill No. 27, and asked leave to sit again. Leave granted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 25, 1861. }

MR. PRESIDENT:—I transmit herewith for the concurrence of your honorable body, the following entitled House Bills, the same having passed the House on the 24th inst.:

"An Act creating Boards of County Commissioners and defining their Duties"

Also, "An Act relating to the Support of the Poor."

I also return Council Bill No. 6, "An Act relative to Attorneys and Counselors at Law," the House having concurred in the same, with the following amendments:

Strike out the words "and Probate," in the first line of Sec. 5; add after the word "profession" (last line of 14th Sec) the words, "3d, for misconduct in office or for good cause shown"

WM. MARTIN GILLESPIE,
Clerk.

On motion to concur in the amendment offered by the House, the ayes and nays were demanded with the following result: Ayes, 8—nays—none.

Ayes—Messrs. Geller, Greir, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther.

So the amendment was concurred in.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

TWENTY-SECOND DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
October 26, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pugh introduced Council Bill No. 32, "An Act to regulate Surveyors and Surveying."

Placed on file.

Council Bill No. 31, "An Act relating to Wild Game and Fish," read first and second time, and referred to Standing Committee.

Mr. Hannah, Chairman of Engrossing Committee, reported Council Bill No. 13, "An Act to exempt Homestead and other property from forced Sale, in certain cases," as correctly engrossed.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Oct. 25th, 1861.

To the Honorable the Council:

GENTLEMEN:—By the first section of "An Act to organize the Territory of Nevada," it is provided, "that all that part of the Territory of the U. S., included within the following limits, to wit: beginning at the point of intersection of the forty-second

degree of north latitude, with the thirty-ninth degree of longitude, west from Washington, thence running south on line of said thirty-ninth degree of west longitude, until it intersects the northern boundary line of the Territory of New Mexico, thence due west to the dividing ridge, separating the waters of Carson Valley from those that flow into the Pacific: thence on said dividing ridge northwardly to the forty-first degree of north latitude, thence due north to the southern boundary line of the state of Oregon, thence due east to the place of beginning, be and the same is hereby erected into a temporary government by the name of the Territory of Nevada; *provided*, that so much of the Territory within the present limits of the state of California shall not be included within this Territory, until the state of California shall assent to the same by an Act irrevocable without the consent of the United States."

Your honorable body will perceive that to give to this Territory, this most desirable boundary, we have got to appeal to the magnanimity of the State of California. I am satisfied the appeal will not be in vain, if we approach their Legislative body in the proper spirit. She has vast domains, and rich in all the essentials that go to make a great and prosperous people. The mountain summit is the natural boundary between the Territory and the State. No communities will be divided, no neighborhoods broken up.

I recommend that you appoint a commission, consisting of such number as shall seem most proper, to memorialize and wait upon the coming Legislature of California, and respectfully ask of that body, that they should grant unto this Territory all that portion of her State lying east of the summit of the Sierra Nevada mountains, in accordance with the implied wishes of the General Government.

JAMES W. NYE,
Governor of Nevada Territory.

On motion, the President appointed Messrs. Stewart, Pray, and Pugh, as a Special Committee, to take into consideration the Governor's Message relative to the boundary line.

Council took a recess.

In Council.

Mr. Luther, Chairman of the Standing Committee, reported progress, on Council Bill No. 27, "An Act granting to certain

parties the right to construct a Rail Road, from the Western to the Eastern Boundary, of the Territory of Nevada." Also reported progress, on Council Bill No. 21, "An Act to regulate proceedings in Criminal Cases, in Courts of Justice in this Territory," and asked leave to sit again.

Leave granted.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

TWENTY-THIRD DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
October 28, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read, corrected, and approved.

Mr. Pugh offered the following resolution:

Resolved, That the printing of the Council be, and is, hereby, tendered to Jonathan Williams, Editor and Proprietor of the *Territorial Enterprise*, of Virginia City, at Government prices, or at such prices as may be allowed by the Department at Washington.

Ayes and nays demanded, on the adoption of the resolution, with the following result: Ayes, 6—nays, 2:

Ayes—Messrs. Geller, Pray, Pugh, Roop, Stewart, and Van Bokkelen—6.

Nays—Messrs. Grier and Hannah—2.

Absent—Mr. Luther—1.

So the resolution was adopted.

Mr. Van Bokkelen gave notice that he would, at some future day, introduce a bill to regulate and protect Telegraph Lines and to secure fidelity and secrecy in the transmission of Telegraphic Messages.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Oct. 28th, 1861.

MR. PRESIDENT:—I transmit, herewith, for the concurrence of the Council, the following House Bills, the same having passed the House on the 26th inst.:

"An Act to prohibit the sale of Arms, Munitions, and Liquors, to Indians."

Also, "An Act fixing the Age of Majority."

I also return, herewith, the Council Bills, as follows, the House having concurred in the passage of the same, without amendment, on the 26th inst.:

"An Act to Audit the Claim of Jno. L. Blackburn, and to provide for the Payment of the Same."

Also, "An Act concerning Judgments of the Probate Court of Carson County."

WM. MARTIN GILLESPIE,
Clerk.

On motion, Council Bill No. 32, "An Act to regulate Surveyors and Surveying," was read first time.

Mr. Hannah presented a petition from the citizens of the Territory of Nevada, praying for the passage of House Corporation Bill.

Read and placed on file.

Council took a recess.

In Council.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 26th, 1861.

MR. PRESIDENT:—The House transmits, herewith, for the

concurrence of the honorable, the Council, the following House Bills:

"An Act to exempt the Homestead and other Property from forced Sale in certain Cases."

Also, "An Act to provide for the Establishment of a Hospital for the Indigent Sick and Insane, in the Territory of Nevada."

SAML. E. WETHERILL,
Deputy Clerk.

Mr. Luther, Chairman of Standing Committee, reported back Council Bill No. 27, "An Act granting to certain Parties the right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada," without any action, owing to a defect in the judgment of the Chair with regard to a conflict of motions before the committee.

Also, Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in the Territory of Nevada," report progress and ask leave to sit again.

Leave granted.

Mr. Pugh, Chairman of Enrolling Committee reported Council Bill No. 26, "An Act concerning Judgments of the Probate Court of Carson County."

Also, Council Bill No. 20, "An Act to Audit the Claim of John L. Blackburn and to provide for the Payment of the Same," as correctly enrolled.

On motion, the Council adjourned.

Approved. J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

TWENTY-FOURTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
October 29th, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pray presented a remonstrance against the passage of the House Corporation Bill, now before the Council, from the citizens of Nevada Territory.

Read and placed on file.

Mr. Stewart presented a memorial on the subject of the salary now due to Judge Cradlebaugh.

Read and placed on file.

Mr. Pugh, Chairman of Joint Enrolling Committee, reported that he had handed to the Governor, for his approval, Council Bill No. 1, "An Act adopting the Common Law "

Also, Council Bill No. 3, "An Act relative to Bills of Exchange and Promissory Notes."

Also, Council Bill No. 5, "An Act to designate the Holidays to be observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes."

Also, Council Bill No. 7, "An Act to regulate Official Oaths."

Council Bill No. 22, "An Act relative to Weights and Measures."

Also, Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians, Chinese, Mulattoes and Negroes."

Also, Council Bill No. 25, "An Act to preserve the Purity of Elections, and to prevent Ballot Box Stuffing."

Also, Council Bill No. 28, "An Act relating to Marriage and Divorce."

Also, Council Bill No 30, "An Act to prevent the driving of Stock from their Ranges."

Also, Council Bill No. 32, "An Act to regulate Surveyors and Surveying."

Read second time and referred to Standing Committee.

Council took a recess.

In Council.

Mr. Hannah reported Council Bill No. 9, "An Act concerning Crimes and Punishments," as correctly engrossed.

Council took a recess.

In Council.

Mr. Luther, Chairman of Standing Committee, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 2, "Civil Practice Act," beg leave to report progress, and ask leave to sit again.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October 24, 1861. }

MR. PRESIDENT:—I herewith transmit, for the concurrence of the Honorable Council, the following concurrent resolution, which was passed by the House this day:

Resolved, By the House, (if the Council concur) that the Legislative Assembly fully concur in the just and patriotic sentiments so eloquently expressed by the Governor in his Message, and that we earnestly sympathize with and cordially and heartily approve the National Administration in its efforts to maintain the integrity of the government, and the perpetuity of the Union.

Resolved, That the present efforts of traitors and rebels to demolish the Government and sever the Union of the States is a lamentable illustration of the fruits of reckless ambition, and the insane folly that would carry us back to barbarism, for the sake of retaining in rebel hands the spoils of office and the brief prerogatives of power.

Resolved, That the formidable rebellion which now seeks to destroy the best political system on earth, has no terrors for the loyal and true citizen. That the government whose infancy has been nursed in the tempest and rocked by the whirlwind of national strife, and whose young vigor and mature strength has thus far been more than a match for its enemies at home and abroad, is not destined to expire ingloriously at the hands of rebels and traitors.

Resolved, That the readiness with which the people have everywhere responded to the call of the government, and the alacrity with which men and money have been furnished for the impending struggle, give cheering promise of future victory and final triumph.

Resolved, That the Territory of Nevada sends greeting to her sister Territories and the whole family of States, and pledges the strength of her mountains, the wealth of her mines, the unswerving loyalty of the popular heart, and the intense energy of her people to the service of our common country in its present hour of trial.

Resolved, That our delegate to Congress, the Hon. John Cradlebaugh, is hereby requested to present the foregoing resolutions to the President, and that he have full authority at all times to pledge Nevada Territory for her full share in the existing struggle for the perpetuity of the Union and integrity of the National Government.

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council adjourned

Approved. J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

TWENTY-FIFTH DAY'S PROCEEDINGS

COUNCIL CHAMBER, }
Oct. 30, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pray gave notice that he would at an early day introduce a bill for the Suppression of Gambling and Punishment of the same.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Oct. 30, 1861.

MR. PRESIDENT:—I return herewith to your honorable body Council Bill No. 8, "An Act concerning Conveyances," the House having concurred in the passage of said bill, without amendment, on the 29th inst.

WM. MARTIN GILLESPIE,
Clerk.

House Bill, "An Act for Securing Liens to Mechanics and others."

Read first and second times, and referred to Standing Committee.

House Bill, "An Act to Provide for the Formation of Corporations."

Read first time.

Mr. Hannah presented a memorial from Virginia City.

House Bill, "An Act for the better Observance of the Lord's Day."

Read first time.

Council took a recess.

In Council.

Mr. Grier gave notice that he would at an early day introduce a bill for the Formation of Corporations for the Construction of Plank, Turnpike, and Wagon Roads.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
October 30th, 1861. }*To the Council of Nevada Territory :*

I have this day approved "An Act Adopting the Common Law."

Also, "An Act to regulate Official Oaths."

Also, "An Act to designate the Holidays to be Observed in the Acceptance and Payment of Bills of Exchange and Promissory Notes."

JAMES W. NYE,
Governor of Nevada Territory.

House Bill, "An Act to provide for the Establishment of a Hospital for the Indigent Sick and Insane of the Territory of Nevada."

Also, House Bill, "An Act relating to the Support of the Poor."

Also, House Bill, "An Act to Exempt the Homestead and other Property from forced Sale in certain Cases."

Also, House Bill, "An Act relating to Elections and the mode of Supplying Vacancies."

Read first time.

Mr. Van Bokkelen presented a memorial from the citizens of California, protesting against the passage of the Railroad Bill now before the Council.

Read and placed on file.

On motion, the Council adjourned till 11, P. M., Thursday, Oct. 31st, 1861.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN.

Secretary.

TWENTY-SIXTH DAY'S PROCEEDINGS

COUNCIL CHAMBER.

October 31st, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Grier introduced Council Bill No. 33, "An Act authorizing the formation of Corporations for the Construction of Plank, Turnpike, and Wagon Roads."

Placed on file.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
October, 31st, 1861. }

MR. PRESIDENT:—I transmit, herewith, for the concurrence of the Council, the House Bill entitled "An Act providing for the appointment of a Commissioner to the World's Fair of 1862, and making an Appropriation to procure Specimens, Etc.," the House having passed the same on the 30th inst.

WM. MARTIN GILLESPIE,
Clerk.

House Bill, "An Act for the better Observance of the Lord's Day "

Also, House Bill, "An Act fixing the Age of Majority."

Also, House Bill, "Act creating Boards of County Commissioners and defining their Duties."

Also, House Bill, "An Act relating to the Support of the Poor."

Also, House Bill, "An Act to provide for the Establishment of a Hospital for the Indigent Sick and Insane, in the Territory of Nevada."

Also, House Bill, "An Act relating to Elections and the mode of supplying Vacancies."

Also, House Bill, "An Act for securing Liens to Mechanics and Others."

Also, House Bill, "An Act to prohibit the Sale of Arms, Munitions, and Liquors, to Indians."

Also, House Concurrent Resolution, "Relative to National Affairs."

Read second time and referred to Standing Committee.

House Bill No. 7, "An Act to exempt Homestead and other Property from forced Sale in certain Cases."

Read second time.

Mr. Pugh offered amendments to House Bill No. 7, viz:

To strike out the words "twenty-five hundred," wherever they occur, and insert, in lieu thereof, the words "five thousand"

Adopted and bill referred to Standing Committee.

House Bill, "An Act to provide for the Formation of Corporations for certain Purposes."

Read second time and amendments offered by Messrs. Hannah and Pray.

Amendments received and two hundred copies of the original bill.

Also, two hundred copies of the bill, with amendments, as proposed by Mr. Hannah.

Also, two hundred copies of the bill, with amendments, as proposed by Mr. Pray, were ordered printed.

Rules suspended and Mr. Grier offered a remonstrance from the citizens of Nevada Territory, against the passage of the House Corporation Bill.

Read and placed on file.

Rules suspended, and Council Bill No. 33, "An Act authorizing the formation of Corporations for the construction of Plank, Turnpike, and Wagon Roads."

Partly read.

Mr. Pugh introduced Council Bill No. 34, "An Act prescrib-

ing the Mode of maintaining and defending Possessory Actions on Public Lands in this Territory."

Placed on file.

Council took a recess.

In Council.

Mr. Grier gave notice that he would, at an early day, introduce a bill to authorize Jno. L. Blackburn, Sol. Lewis, and others, to supply Carson City with Water.

Mr. Pugh, Chairman of Joint Enrolling Committee, reported that he had handed to the Governor for his approval, Council Bill No. 20, "An Act to Audit the Claim of Jno. L. Blackburn and to provide for the Payment of the Same."

Also, Council Bill No. 26, "An Act concerning Judgments of the Probate Court of Carson County."

Also Council Bill No. 6, "An Act relating to Attorneys and Counselors at Law," the same being correctly enrolled.

COMMUNICATION FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
Carson City, Oct. 31st, 1861.

To the Council of Nevada Territory:

I have, this day, approved the following bills:

"An Act to Audit the Claim of John L. Blackburn and to provide for the Payment of the Same."

"An Act concerning Judgments of the Probate Court of Carson County "

"An Act relative to Attorneys and Counselors at Law."

"An Act relative to Bills of Exchange and Promissory Notes."

JAMES W. NYE,

Governor of Nevada Territory.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President of the Council.

Attest:

H. SMEATHMAN,

Secretary of the Council.

TWENTY-SEVENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER.

Nov. 1st, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

COMMUNICATION.

GENTLEMEN:—Through your Secretary, Mr. H. Smeathman, I have received a copy of one of the bills desired for printing for your body, as well as an answer to the interrogatories I made at the time of my notification of election to the position of Printer for your body.

While acknowledging the ability of the Enterprise office to perform the work required, in the time and manner proposed, yet, the fact that such election has been tendered me at a late day, and the terms of payment being unsatisfactory, induces me to decline such office.

Thanking you for the kind honor conferred upon me, and personally, and collectively, entertaining the highest regards for your honorable body, permit me to subscribe myself,

J. WILLIAMS,

Editor Enterprise.

INTRODUCTION OF BILLS.

Mr. Van Bokkelen, introduced Council Bill No. 35, "An Act to regulate and protect Telegraph Lines, and to secure Secrecy and Fidelity in the transmission of Telegraphic Messages."

Placed on file.

House Bill, entitled "An Act providing for the appointment of a Commissioner to the World's Fair of 1862, and making an appropriation to Procure Specimens," etc., was read the second time, and referred to the Standing Committee.

On motion, Council Bill No. 33, "An Act authorizing the

formation of Corporations for the construction of Plank, or Turnpike and Wagon Roads."

Also Council Bill No. 34, "An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this Territory," were read for the first time, and placed on their second reading.

Council took a recess.

In Council.

Mr. Hannah, Chairman of the Engrossing Committee, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 21, "An Act to regulate Proceedings in Criminal Cases, in the Courts of Justice in this Territory," beg leave to report the same as correctly engrossed.

Mr. Luther, Chairman of Standing Committee, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 21, beg leave to report the same back, and recommend its passage.

Referred to Committee of the Whole.

Council went into Committee of the Whole, for the consideration of Council Bill No. 21, "An Act to regulate Proceedings in Criminal Cases, in the Courts of Justice, in this Territory."

In Council.

Mr. Stewart, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 21, beg leave to report the same back and recommend its passage.

Bill read a third time and placed on its passage.

Shall the bill pass?

The ayes and nays were demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Grier—1.

So the bill passed.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

TWENTY-EIGHTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
November 2, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Hannah asked leave of absence for Mr. Grier.

Leave granted.

Mr. Van Bokkelen presented a memorial from the citizens of California protesting against the passage of the Railroad Bill now before this Council.

Read and placed on file.

Mr. Hannah offered the following resolution :

Resolved, That the resolution passed by the Council tendering the printing to Jonathan Williams, be and the same is hereby rescinded, in consequence of the inability of Mr. Williams to do the same, and that the Council printing is hereby tendered to Lewis & Sewall of the *Silver Age* office.

Adopted.

NOTICES OF BILLS.

Mr. Roop gave notice that he would, at an early day, intro-

duce a bill defining and limiting the jurisdiction of the Probate Court.

Mr. Pugh gave notice that he would, at an early day, introduce a bill in relation to Common Carriers and Warehousemen.

Mr. Stewart introduced Council Bill No. 36, "Concerning Jurors."

Placed on file.

Mr. Roop, without previous notice, introduced Council Bill No. 37, "An Act to incorporate the Virginia and Carson City Railroad.

Mr. Luther, Chairman of Standing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred council Bill No. 2, "An Act to regulate Proceedings in Civil Cases," beg leave to report progress.

Also, Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians, Chinese, Mulattoes, and Negroes," beg leave to report the same back without amendments.

Referred to Committee of the Whole.

Also, Council Bill No. 22, "An Act relative to Weights and Measures," and report progress.

Also, House Bill No. 7, "An Act to Exempt Homestead and other Property from forced Sale in certain cases," report the same back, with amendments.

Referred to Committee of the Whole.

Also, Council Bill, No. 27, "An Act granting to certain Parties a right to Build a Railroad from the Western to the Eastern Boundary of Nevada Territory," report the same back, with amendments.

~~COMMUNICATION FROM THE HOUSE.~~

HOUSE OF REPRESENTATIVES, }
November 1st, 1861. }

MR. PRESIDENT:—I transmit herewith for the concurrence of the Council, the House Bill entitled "An Act to create a Board of Examiners and to define their powers and duties," the House having passed the same on the 31st ult.

WM. MARTIN GILLESPIE,
Clerk.

FURTHER COMMUNICATION FROM THE HOUSE.

MR. PRESIDENT:—I herewith transmit for the concurrence of the honorable the Council, the following Concurrent Resolution, which was passed by the House this day :

Resolved, (If the Council concur) that the Legislative Assembly meet in Joint Convention on Saturday, November 7th, at 1 o'clock, P. M., and proceed to elect two Commissioners, one to be taken from each branch of the Legislature, who shall in connection with the Governor, be termed a Board of Commissioners whose duty it shall be to visit, and wait upon, the next ensuing session of the Legislature of California and urge upon them the expediency and necessity of ceding to Nevada Territory, all that portion of California contemplated by the provisions of the organic act of said Territory.

WM. MARTIN GILLESPIE,
Clerk.

Rules suspended and Council Bill No. 35, "An Act to regulate and protect Telegraphic Lines and to secure Secrecy and Fidelity in the transmission of Telegraphic Messages."

Also, Council Bill No. 36, "An Act concerning Jurors."

Read a first time and placed on its second reading.

On motion, leave of absence was granted to Mr. Luther,

Council took a recess.

In Council.

REPORT.

MR. PRESIDENT:—Your Joint Enrolling Committee to whom was referred Council Bill No. 8, "Concerning Conveyances," have examined the same and find it correctly enrolled, and have presented the same to his Excellency, the Governor.

J. W. PUGH.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

TWENTY-NINTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,

November 4, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

On motion, leave of absence was granted to Messrs. Grier and Stewart.

Mr. Hannah offered the following concurrent resolution :

Resolved, That as the Secretary of the Territory, from the commencement of the present legislative session, has, by an assumption of dictatorial power in various ways, continued to annoy and perplex the operations of this Legislature in matters pertaining solely to their business, therefore, the President of the Council and Speaker of the House are hereby authorized to indite a joint letter to the proper department in Washington for the purpose of ascertaining whether the Legislative Assembly of the Territory have any rights whatever, or are compelled to submit to the dictation of the Secretary in all matters pertaining to their business.

Adopted.

Ordered engrossed.

NOTICES OF BILLS.

Mr. Van Bokkelen gave notice that, at an early day, he would introduce a bill for "An Act in relation to the Militia of the Territory."

Mr. Rugh gave notice, that on to-morrow, or some subsequent day, he would introduce a bill to provide for the punishment of certain crimes therein named.

Mr. Roop introduced Council Bill No. 38, "An Act relative to Probate Courts, defining the duties of Judges, Clerks," etc. Placed on file.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 1, 1861. }

To the Honorable the Council:

I transmit herewith, for the concurrence of the Council, the House Bill entitled, "An Act creating Offices in the Territory of Nevada," the House having passed the same on the 2d day of November, 1861.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 4, 1861. }

MR. PRESIDENT:—I return herewith Council Bill No. 9, "An Act entitled an Act concerning Crimes and Punishments," the House having passed the same on the 2d inst., with amendments, in which your honorable body is respectfully requested to concur.

WM. MARTIN GILLESPIE,
Clerk.

Referred to Committee of the Whole.

Mr. Pray offered the following resolution:

Resolved, That until proper information has been received from Washington, the Journal of this Council shall be printed as ordered by the Secretary of the Council, regardless of any dictation whatever from any other party or parties.

Adopted.

READING OF BILLS.

Council Bill No. 37, "An Act to incorporate the Virginia and Carson City Railroad."

Also, House Bill, "An Act creating Offices in the Territory of Nevada."

Also, House Concurrent Resolution, "To appoint Delegates to confer with the next ensuing Legislature of California, and define the Boundary Line between that State and Nevada Territory."

Read first time.

NOTICE OF BILL.

Mr. Hannah gave notice that at an early day he would introduce a bill "Providing for an immediate Election of Territorial and County Officers."

Council took a recess.

In Council.

Council Bill No. 33, "An Act authorizing the Formation of Corporations for the Construction of Plank, or Turnpike and Wagon Roads."

Also, Council Bill No 34, "An Act Prescribing the mode of Maintaining and Defining Possessory Actions on Public Lands in this Territory."

Also, Council Bill No. 35, "An Act to regulate and Protect Telegraph Lines and to Secure Secrecy and Fidelity in the Transmission of Telegraphic Messages."

Also, Council Bill No. 36, "Concerning Jurors."

Were read a second time, and referred to Standing Committee.

On motion, Council went into Committee of the Whole for consideration of House Bill No 7, "An Act to Exempt Homestead and other Property from forced Sale in certain cases."

Also, Council Bill No. 23, "An Act to prohibit Cohabitation and Marriage of Whites with Indians, Chinese, Mulattoes, Negroes," etc.

Also, Council Bill No. 9, "An Act Concerning Crimes and Punishments."

In Council.

REPORT OF COMMITTEE.

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians, Negroes," etc., beg leave to report the same back, with amendment, and recommend its passage.

Also, House Bill No. 7, "An Act to Exempt Homestead and other Property from forced Sale in certain cases," beg leave to report the same back, with the following amendments: Strike

out the words "twenty five hundred," wherever they occur, and insert in lieu, "five thousand;" also, strike out the words in Section 1st, "provided the possessor thereof was solvent at the time he acquired the same," and recommend its passage.

Also, Council Bill No. 9, "An Act Concerning Crimes and Punishments," beg leave to report the same back, not concurring in the amendments offered by the House, and recommend that the bill be referred as provided for in Section 1 of the Joint Rules adopted by this Legislative Assembly.

I. ROOP,

Chairman of Committee of the Whole.

Mr. Hannah moved that a Conference Committee be appointed to confer with a like committee from the House, on the amendments offered by the House to Council Bill No. 9.

The Chair appointed as such committee :

Messrs. Hannah, Pray, and Pugh.

House Bill "An Act to exempt Homesteads and other Property from forced Sale in certain Cases."

Read third time, rules suspended, and the bill placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 6—nays, none:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, and Van Bokkelen—6.

Nays—None.

Absent—3.

So the bill passed.

Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians, Chinese," Etc.

Read third time and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, Roop, and Van Bokkelen—7.

Nays—None.

Absent—2.

So the bill passed.

REPORT.

Mr. Pray made the following report:

MR. PRESIDENT:—Your Joint Enrolling Committee, to whom was referred Council Bill No. 8, "An Act concerning Conveyances," have examined the same, beg leave to report it correctly enrolled, and handed the same to the Governor on the 2d Nov. 1861.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

THIRTY-FIRST DAYS PROCEEDINGS.

COUNCIL CHAMBER,

November 6th, 1861. }

Council met pursuant to adjournment.

In and during to the absence of the President of the Council, Mr. Pugh was elected as President *pro tem*.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

On motion, leave of absence was granted to Mr. J. L. Van Bokkelen for one week.

NOTICE OF BILL.

Mr. Stewart gave notice that he would, on to-morrow or at

some early day, introduce a bill for the permanent location of the Seat of Government of the Territory of Nevada at Carson City.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 5th, 1861.

To the Council of Nevada Territory :

In accordance with the order of the House, I return, herewith, to your honorable body the Concurrent Resolution "Concerning the Secretary of the Territory."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 5th, 1861.

To the Council of Nevada Territory :

By order of the House, I respectfully inform your honorable body that the title of the presiding officer of the House is that of "Mr. Speaker," and that communications should be addressed to that officer, and not to "Mr. President."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 5th, 1861.

MR. PRESIDENT:—I am instructed to inform your honorable body, that this House has acceded to the request of the Council, to confer with a like committee on the part of your body, concerning the difference of the two Houses, as to certain amendments to the Council Bill, entitled "An Act concerning Crimes and Punishments," made by the House. The following are the committee on the part of the House: Messrs. Youngs, Mills, and McLean.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 5th, 1861.

To the Honorable the Council :

I transmit herewith for the concurrence of your honorable body, the following House Bills, entitled :

"An Act in relation to the Fees of the Secretary of the Territory."

"An Act Incorporating the Virginia City and Washoe Rail Road Company."

The said bills passed this House on the 4th inst.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 5th, 1861. }

MR. PRESIDENT:—I am instructed to inform your Honorable Body, that the House has this day concurred in the Council's amendments to the House Bill, entitled "An Act to Exempt Homestead and other Property from Forced Sale, in certain cases," in striking out the words "twenty five hundred," and inserting in lieu thereof, the words "five thousand,"—and non-concurred in the other amendment of the Council, to said bill, striking out the last words, in the first section, as follows; "provided the possessor thereof was solvent, at the time he acquired the same."

WM. MARTIN GILLESPIE,
Clerk.

READING OF BILLS.

Council Bill No. 39, "An Act prohibiting the Wearing or Carrying of Deadly Weapons," read a first time, and placed on its second reading.

Council Bill No. 38, "An Act relative to Probate Courts, defining the duty of Judges, Clerks," etc., read a second time, and referred to Standing Committee.

Also, House Bill, "An Act creating Offices, in the Territory of Nevada," read a second time, and referred to Standing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 6th, 1861. }

To the Honorable the Council:

I transmit herewith, for the concurrence of your honorable body, the House Bill entitled "An Act in relation to Common Jails, and the Prisoners thereof," which passed the House on the 5th inst.

I return herewith the Council Bill No. 4, entitled "An Act defining the Time of Commencing Civil Actions," the House having passed the same, with the following amendments, which they respectfully request may be concurred in by your honorable body.

In the 4th section, strike out the words "or mining claims," in the second line.

In the second line, fourth subdivision of Section 9, insert before the word "has," the words "to the extent of three hundred and twenty acres."

I also return herewith, the Council Bill No. 10, entitled "An Act concerning Estray Animals," the House having passed the same, with the following amendments, which they respectfully request may be concurred in by your honorable body.

In the 7th section strike out the word "six," in the third line, and insert in lieu thereof the word "three."

Also, insert between the third and fourth lines the following: "providing they are neat foot animals, and valued at fifty dollars and under that amount, and six months, provided they are horses, mules, or other animals and valued at one hundred dollars and upwards."

Respectfully,

WM MARTIN GILLESPIE,
Clerk.

On motion, said Council Bill No. 4 was taken up, and the Council refused to concur in the amendments offered by the House, to strike out in the fourth section "or mining claims," and concurred in the amendment offered by the House to Section 9, by erasing "to the extent" and inserting in lieu thereof, "not exceeding."

On motion, Council Bill No. 10, "An Act concerning Estray Animals," was taken up, and the amendments as offered by the House concurred in.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Oct. 25th, 1861.

To the Honorable the Council:

I have this day approved "An Act concerning Conveyances."

JAMES W. NYE,
Governor of Nevada Territory.

REPORT FROM CONFERENCE COMMITTEE.

Mr. Hannah, Chairman of Conference Committee on Council Bill No. 9, reported certain amendments.

On motion, the same were concurred in.

Council went into Committee of the Whole to consider Council Bill No. 27, "An Act granting to certain parties a right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

In Council.

REPORT OF COMMITTEE.

Mr. Pray, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 27, beg leave to report the same back with amendments, and recommend its passage.

Rules suspended and Council Bill No. 27 considered engrossed, read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 8—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

On motion, House Concurrent Resolution relative to appointing Commissioners to wait upon the next ensuing Legislature of California, was taken from the Standing Committee and referred to Committee of the Whole.

Council went into Committee of the Whole for the consideration of said concurrent resolution.

In Council.

Mr. Grier made the following report:

Your committee to whom was referred concurrent resolution from the House, report progress and ask leave to sit again.

Council took a recess.

In Council.

Mr. Hannah offered a joint resolution on the subject of the dividing line between the State of California and the Territory of Nevada.

Read first time, rules suspended, read second and third times and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

The Council Concurrent Resolution in reference to the Secretary of the Territory interfering in matters pertaining to the Council, was called up.

On motion of Mr. Hannah, rescinding the same:

Ayes and nays demanded with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the concurrent resolution was rescinded.

Council took a recess.

In Council.

Mr. Luther made the following report:

MR. PRESIDENT:—Your committee to whom was referred Bill No. 36, "Concerning Jurors," beg leave to return the same with amendments, and recommend its passage.

Bill read third time, rules suspended, and bill placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 6th, 1861. }

To the Honorable the Council:

The House has, this day, refused to recede from their amendment to the fourth section, viz: striking out the words, "or mining claims," of the Council Bill entitled "An Act defining the Time of commencing Civil Actions."

The House has also refused to accede to the Council's amendment, substituting the words "not exceeding," for the words "to the extent of," in the House amendment to the fourth subdivision of Section 9, of said Council Bill.

The House has appointed Messrs. Mills, Youngs, and Durham, to confer with a like committee on the part of the Council, (the appointment of which they respectfully request) concerning the subjects matter of difference between the two Houses.

Respectfully,
WM. MARTIN GILLESPIE,
Clerk.

The Chair appointed as such Conference Committee, on the part of the Council:

Messrs. Grier, Hannah, and Pray.

The Chair also appointed, as a Conference Committee on part of the Council, to confer with a like committee on the part of the House, on the House Bill entitled "An Act to exempt Homesteads and other Property from forced Sale," Etc.:

Messrs. Stewart, Roop, and Hannah.

Council took a recess.

In Council.

Mr. Luther made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 24, "An Act to provide for the Relief of H. De Groot," beg leave to report progress.

NOTICE OF BILL.

Mr. Hannah gave notice that, at an early day, he would introduce a bill concerning partition of Property.

Council took a recess.

In Council.

Mr. Pugh offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish the Council with an estimate of the probable expenses of the present session of the Legislature, and if there will be a sufficient sum of money left in the fund to pay the claim of Henry De Groot, amounting to \$1,367, for taking the census.

Adopted.

On motion, the Council adjourned.

Approved.

J. W. PUGH,
President *pro tem.* of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

THIRTY-SECOND DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
November 7, 1861. }

Council met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence granted to the Sergeant-at-Arms for one day.

NOTICES OF BILLS.

MR. PRESIDENT:—I hereby give notice that I will, at an early day, introduce a bill providing for the purchase of the building now occupied by the Legislature, together with the surrounding grounds, for Territorial Prison, Hospital, and other purposes as the Territory may require.

I. ROOP.

Notice is hereby given that on to-morrow I will introduce a bill granting to certain persons the right to furnish the towns of Gold Hill and Silver City with illuminating gas.

THOS. HANNAH.

Mr. Stewart introduced Council Bill No. 41, "An Act for the permanent location of the seat of Government at Carson City."

Placed on file.

REPORT OF ENGROSSING COMMITTEE.

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 27, "An Act to grant to certain parties a right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada," Also, Council Bill No. 36, "An Act concerning Jurors," beg leave to report the same as correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee to whom was referred Council Bill No. 10, "An Act concerning Estray Animals," beg leave to report the same correctly enrolled.

J. W. PUGH,
Chairman of Enrolling Committee.

READING OF BILLS.

House Bill entitled, "An Act in relation to Common Jails and the Prisoners thereof."

Also, House Bill, "An Act in relation to the Fees of the Secretary of the Territory."

Also, House Bill, "An Act to incorporate the Virginia and Carson City Railroad"

Read the first time and placed on their second reading.

Council Bill No. 39, "An Act to prohibit the wearing or carrying of Unlawful and Deadly Weapons," read a second time and referred to Standing Committee.

Council took a recess.

In Council.

REPORT OF COMMITTEE.

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 19, "An Act to provide Revenue for the support of the Territory," beg leave to report the California Revenue Act of 1861, with amendments as a substitute and recommend its passage.

I. M. LUTHER,
Chairman Standing Committee.

Report of Conference Committee on "Homestead Bill," House Bill.

Section 1, after the word "Court" in fourth line, insert "for any debt or liability contracted or incurred at any time in any other place than in this Territory, or for any debt or liability contracted in this Territory, after thirty days from the passage of this act; *provided*, the possessor thereof did not acquire the means of procuring such homestead through fraud or false representations," erasing all that follows.

Your committee beg leave to present the amendment above proposed as having been agreed upon in Conference Committee and would recommend that the Council agree thereto.

W. M. STEWART,
JNO W. GRIER,
THOS. HANNAH,
Committee of Conference on part of Council.

Mr. Hannah, as Chairman of Conference Committee, made verbal report of amendments to Council Bill No 4, "An Act defining the time of commencing Civil Actions."

Mr. Stewart, on leave, without previous notice, introduced Council Bill No. 42, "An Act to incorporate a Seminary of Learning in Carson City."

Rules suspended, and Council Bill No. 42 read first and second times, and referred to Standing Committee.

NOTICES OF BILLS.

Mr. Grier gives notice that he will introduce a bill to "Incorporate the Virginia City, Carson and Truckee Railroad Company."

Notice is hereby given that at an early day I will introduce a bill "Defining the Duties of Territorial and County Officers."

THOS. HANNAH.

INTRODUCTION OF BILLS.

Mr. Grier introduced Council Bill No. 43, "An Act to incorporate the Virginia, Carson and Truckee Railroad Company."

Placed on file.

Rules suspended, and Mr. Pugh, without notice, introduced Council Bill No. 44, "An Act to grant to certain parties the right to construct a Railroad from Aurora to certain points on the East Walker River."

On further suspension of the rules, Council Bill No. 44 read first and second times and referred to Standing Committee.

On motion, Council adjourned.

Approved.

J. W. PUGH,
President *pro tem*.

Attest:

H. SMEATHMAN,
Secretary.

THIRTY-THIRD DAY'S PROCEEDINGS

COUNCIL CHAMBER, }
Nov. 8th, 1861. }

. Council met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence granted to Mr. Hannah for one day.

NOTICES OF BILLS.

Notice is hereby given, that I will, on some early day, introduce a bill for "An Act granting to certain parties the right to construct a Toll Road up Carson Cañon."

I. M. LUTHER.

MR. PRESIDENT:—I give notice that I will, at an early day, introduce a bill to increase the *per diem* of the Members of the Legislative Assembly, and Attachés.

ISAAC ROOP.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee beg leave to report that they handed to His Excellency, the Governor, Council Bill No. 10, "An Act concerning Estray Animals" for his approval.

Also, beg leave to report "Council Concurrent Resolution," as correctly enrolled.

J. W. PUGH,
I. M. LUTHER,
Committee.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 8th, 1861. }

To the Honorable, the Council:

I return, herewith, the Council Bill No. 21, entitled "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in this Territory," the House having passed the same on the 7th inst., with the following amendments, which your honorable body is respectfully requested to concur in:

Strike out from the 194th to the 201st Section, both inclusive.

Also, insert the word "county," for the word "district," wherever it may occur in the 264th Section.

Respectfully,
WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 8th, 1861. }

To the Honorable, the Council:

I return, herewith, the Council Concurrent Resolution concerning the appointment of Commissioners to California Legislature, relative to Boundary Line, the House having passed the same with the following amendments, and which your honorable body is respectfully requested to concur in:

In the tenth line, strike out the word "three," and insert the word "two," in lieu thereof.

In the eleventh line, insert between the words "proceed" and "to," the words, "together with the Governor of this Territory."

Insert before the word "for," in the twenty-third line, the words "at 11 o'clock, A.M."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council concurred in the amendments to Council Bill No. 21, "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice of this Territory."

Also, in the amendments to Council Concurrent Resolution, "concerning the appointment of Commissioners to the ensuing California Legislature," offered by the House.

Council Bill No. 41, "An Act for the permanent location of the Seat of Government at Carson City."

Also, Council Bill No. 43, "An Act to Incorporate the Virginia, Carson, and Truckee Railroad Company," read first time.

Rules suspended, and Council Bill No. 43, read a second time, and referred to Standing Committee.

House Bill, "An Act in relation to common Jails and the Prisoners thereof,"

Also, House Bill, "An Act in relation to the Fees of the Secretary of the Territory,"

Also, House Bill, "An Act to Incorporate the Virginia City, and Washoe Rail Road Company," were read second time, and referred to Standing Committee.

Council took a recess.

In Council.

REPORT FROM COMMITTEE OF THE WHOLE.

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 31, "An Act relating to Wild Game, and Fish," beg to report the same back, and recommend its passage;

Also, Council Bill No. 35, "An Act for the Regulation of Telegraph Lines," etc.

Also, Council Bill No. 42, "An Act to Incorporate a Seminary of Learning in Cason City," beg leave to report the same back, and recommend their passage.

Also, Council Bill No. 30, "An Act concerning Driving Stock," etc., beg leave to report it back, and recommend its passage.

Also, Council Bill No. 28, "An Act relating to Marriage and Divorce," report the same back, with amendments, and recommend its passage

I. M. LUTHER

Chairman of Committee of the Whole.

Rules suspended, and Council Bill No. 35, read third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays none:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, and Stewart—6.

Nays—None.

Absent—Messrs. Luther, Roop, Van Bokkelen,—3

So the bill passed.

Rule suspended, and Council Bill No. 28, "In relation to Marriage and Divorce," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes—7—nays, none:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, and Stewart—7.

Nays—None.

Absent—Messrs. Hannah, and Van Bokkelen—2.

So the bill passed.

Rules suspended, and Council Bill No. 42, "An Act to Incorporate a Seminary of Learning, in Carson City," read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, and Stewart—7.

Nays—None.

Absent—Messrs. Hannah and Van Bokkelen—2.

So the bill passed.

Rules suspended, and Council Bill No. 31, "An Act relating to Wild Game and Fish," read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, and Stewart—7.

Nays—None.

Absent—Messrs. Hannah and Van Bokkelen—2.

So the bill passed.

Rules suspended and Council Bill No. 30, "An Act to prevent the driving of Stock from their Ranges," read a third time, and placed on its final passage.

Shall the bill pass?

The ayes and noes were demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, and Stewart—7.

Nays—None.

Absent—Messrs. Hannah and Van Bokkelen—2.

So the bill passed.

On motion, all the Railroad Bills now before the Council were made the special order for Tuesday, November 12th.

REPORTS FROM STANDING COMMITTEE.

MR. PRESIDENT.—Your committee, to whom was referred Council Bill No. 40, "An Act to provide for the Punishment of Crimes therein named," also, Council Bill No. 12, "An Act to restrict the Herding of Sheep, Cattle, Horses," etc., also, Council Bill No. 17, "An Act defining what are Lawful Fences," beg leave to report the same back, and recommend their indefinite postponement.

I. M. LUTHER, /
Chairman of Standing Committee.

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 34, "An Act prescribing the mode of Maintaining and Defending Possessory Actions on Public Lands in this Territory," beg leave to report the bill back and ask it to lie over until next week.

I. M. LUTHER,
Chairman of Standing Committee.

REPORT OF ENROLLING COMMITTEE.

Mr. Pugh, Chairman of Joint Enrolling Committee reported Council Concurrent Resolution No. 9 correctly enrolled.

REPORT OF ENGROSSING COMMITTEE.

MR. PRESIDENT.—Your committee to whom was referred Council Bill No 35, "An Act to regulate and protect Telegraph Lines and to secure Secrecy and Fidelity in the transmission of Telegraphic Messages," beg leave to report the same as correctly engrossed.

WM. M. STEWART,
Chairman, *pro tem.* Engrossing Committee.

On motion, Council adjourned until Monday next, November 11th, at 11 A. M.

Approved.

J. W. PUGH,
President, *pro tem.*

Attest:

H. SMEATHMAN,
Secretary.

THIRTY-FOURTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,

November 11, 1861. }

Council met pursuant to adjournment.

President *pro tem.* in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

COMMUNICATION FROM THE SECRETARY OF THE TERRITORY

SECRETARY'S OFFICE, N. T.,
 Carson City, Nov. 7th, 1861. }

To the Hon. Council of Nevada Territory:

In reply to your resolution received at noon to-day, calling on me, 1st, for an estimate of the probable expenses of the present session of the Legislature; and, 2d, inquiring if there will be a sufficiency of money left in the fund to pay the claim of Henry De Groot, amounting to \$1,367 for taking the late census, I answer:

1st. Liabilities are already incurred to the amount of about twelve thousand dollars, as nearly as I can estimate, the bills not having all been presented; or, it may possibly amount to thirteen thousand dollars, adding the expenses of extra clerks and copying. If, as supposed by some members, the number of pages in the laws will be a thousand, and fifteen hundred copies ordered, the printer's bill for printing and binding the laws and journals and for the incidental printing, is likely to fall not far short of twenty thousand dollars, at the rates prevalent in this Territory. As this shows a probability that about thirty-three thousand dollars will be required to meet the probable expenses of the present session of the Legislature, and as about two thousand dollars more will be necessary to meet the remaining expenses of the fiscal year, ending June 30, 1862, making in all about thirty-five thousand dollars required, while only twenty thousand dollars has been appropriated by Congress, the second inquiry is answered.

Most respectfully, your obedient servant,

ORION CLEMENS,

Secretary of the Territory.

Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 45, "An Act to create the Carson City Gas Company."

Placed on file.

REPORT OF JOINT ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee beg leave to report that they have handed to his Excellency the Governor for his approval, Council Concurrent Resolution, "on Dividing Line."

J. W. PUGH,
Chairman Enrolling Committee.

Council Bill No. 41, "An Act for the permanent Location of the Seat of Government at Carson City."

Also, Council Bill No 37, "An Act to incorporate the Virginia and Carson City Railroad."

Read second time and referred to Standing Committee.

On motion, leave of absence was granted for the day to Messrs. J. W. Grier and Luther

Council took a recess.

In Council.

Mr Roop, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 24, "An Act to Audit the claim of Henry De Groot and to provide for the Payment of the same," beg leave to report the same back, with amendments, and recommend its passage.

Also, Council Bill "An Act to preserve the purity of Elections," etc., beg leave to report the same back and recommend its passage.

I. ROOP,
Chairman of Standing Committee.

Referred to Committee of the Whole.

Mr. Hannah Chairman of Engrossing Committee, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bills Nos. 31, 42, 30, and 28, beg leave to report the same as correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 Carson City, Nov. 9, 1861. }

To the Honorable, the Council:

The House yesterday adopted the two several reports of Conference Committees, on the subjects matter of difference, concerning the following bills:

Council Bill entitled "An Act defining the Time of Commencing Civil Actions "

And, the House Btl entitled "An Act to exempt the Homestead and other Property from Forced Sale in certain cases."

I return herewith the Council Bills above referred to.

Respectfully,

WM. MARTIN GILLESPIE,
 Clerk.

HOUSE OF REPRESENTATIVES, }
 Carson City, Nov. 11, 1861. }

To the Honorable, the Council:

I herewith transmit, for the concurrence of your honorable body, the following House Bills, the same having passed the House on the 9th inst.:

"An Act to create Counties, and establishing the Boundaries thereof."

"An Act in relation to Hawkers and Peddlers."

Respectfully,

WM. MARTIN GILLESPIE,
 Clerk.

Council went into Committee of the Whole, to take into consideration Council Bill No. 19, "An Act to provide for the Assessing and Collecting Revenue."

Also, Council Bill No. 25, "An Act to preserve the Purity of Elections."

Also, Council Memorial, "On the subject of Judge Cradlebaugh's Salary.

Also, House Bill, "On Mechanics' Liens."

In Council.

Mr. Geller, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 19, "Revenue Bill," beg to report the same back and recommend its passage.

Also, "Memorial to Congress on the Salary due to Judge Cradlebaugh," and beg leave to report the same back and recommend its passage.

Also, House Bill "For securing Liens to Mechanics, etc.," beg leave to report the same back, and recommend its passage as amended.

Also, Council Bill No. 25, "An Act to preserve the Purity of Elections," and recommend its passage.

SOLOMON GELLER,

Chairman of Committee of the Whole.

Rules suspended and Council Bill No. 19, read third time, and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 6—noes, none:

Ayes—Messrs. Geller, Hannah, Pray, Pugh, Roop, and Stewart—6.

Nays—None.

Absent—Messrs. Grier, Luther, and Van Bokkelen—3.

So the bill passed.

Rules suspended, and "Memorial to Congress in relation to Judge Cradlebaugh's Salary," read third time and placed on its final passage.

Shall the memorial pass?

Ayes and nays demanded, with the following result: Ayes, 6—nays, none:

Ayes—Messrs. Geller, Hannah, Pray, Pugh, Roop, and Stewart—6.

Nays—None.

Absent—Messrs. Grier, Luther, and Van Bokkelen—3.

So the memorial passed.

Rules suspended, and House Bill, "Mechanics' Liens," read a third time and placed on its passage.

Shall the bill pass?

The ayes and nays were demanded, with the following result: Ayes, 6—nays, none:

Ayes—Messrs. Geller, Hannah, Pray, Pugh, Roop, and Stewart—6.

Nays—None.

Absent—Messrs. Grier, Luther, and Van Bokkelen—3.

So the bill passed.

NOTICES OF BILLS.

MR. PRESIDENT:—I wish to give notice that, at an early day, I will introduce a bill relative to the pay of all Judges, Inspectors, Clerks, and other Officers of the last Election.

I. ROOP.

I hereby give notice that I will, at an early day, introduce a bill "Establishing the Rates of Interest."

A. W. PRAY.

On motion, the Council adjourned.

Approved.

J. W. PUGH,

President *pro tem*.

Attest:

H. SMEATHMAN,
Secretary.

THIRTY-FIFTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 12th, 1861. }

Council met pursuant to adjournment.

President *pro tem*. in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence was granted to Mr. Luther for one day.

Mr. Hannah presented a petition from the firemen and a body styled the Home Guards of Virginia City praying to be exempted from Poll and Road Tax and Jury Duty.

Placed on file.

NOTICE OF BILL.

Notice is hereby given, that at an early day, I will introduce a bill exempting certain persons from Jury Duty and the payment of Road and Poll Taxes.

THOMAS HANNAH.

INTRODUCTION OF BILLS.

Mr. Pray introduced Council Bill No 46, "An Act to prohibit Gambling."

Also, Council Bill No. 47, "An Act relative to Money of Account and Interest."

Placed on file.

Mr. Roop introduced Council Bill No. 48, "An Act to increase the *Per Dum* of Members and Attachés of the Legislature."

Placed on file.

Rules suspended, and Council Bills Nos. 46, 47, and 48, read first and second times, and referred to Standing Committee.

Mr. Stewart offered the following resolution :

Resolved, That the Secretary of the Territory be requested, at his earliest convenience, to inform the Council whether his instructions authorize him to pay the Census Marshal, for his services, out of the Legislative Fund, appropriated by Congress.

Adopted.

Council Bill No. 45, "An Act to incorporate the Carson City Gas Company," read first time.

House Bill, "Concerning Hawkers and Peddlers."

Also, House Bill, "Creating Counties, and Describing their Boundaries," read a first time.

COMMUNICATIONS FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEPT, }
 Carson City, Nov 8th, 1861.

To the Council of Nevada Territory.

I have this day approved "An Act concerning Estray Animals."

JAMES W. NYE,
 Governor of the Territory of Nevada.

EXECUTIVE DEPARTMENT, }
 Nov. 9th, 1861.

To the Honorable the Council:

I have this day approved a Joint Resolution, relating to the appointment of a Boundary Commissioner.

JAMES W. NYE,
 Governor of Nevada Territory.

Council went into Committee of the Whole to take into consideration Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases,"

In Council.

Mr. Roop, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases," beg leave to report progress on the same, and ask leave to sit again.

ISAAC ROOP,
 Chairman of Committee of the Whole.

REPORT OF ENGROSSING COMMITTEE.

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 25, and Memorial to Congress, beg leave to report the same, as correctly engrossed.

THOMAS HANNAN,
 Chairman Engrossing Committee.

Council took a recess.

In Council.

REPORT OF STANDING COMMITTEE.

MR. PRESIDENT:—Your committee, to whom was referred

Council Bill No. 16, "An Act authorizing the Secretary of the Territory, to receive certain Fees."

Also, Council Bill No. 18, "An Act to legalize the official acts of Stephen A. Kinsey and E. C. Morse," beg leave to report the same back, and recommend their passage.

A. W. PRAY,
Chairman Standing Committee.

Rules suspended, and Council Bill No. 18, read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, and Stewart—7.

Absent—Messrs. Luther and Van Bokkelen—2.

Nays—None.

So the bill passed.

Council Bill No. 16, read a third time and placed on its final passage.

Ayer and nays were demanded with the following result:

Ayes, 5—nays, 2.

Ayes—Messrs. Geller, Grier, Hannah, Pray, and Stewart—5.

Nays—Messrs. Pugh and Roop—2.

Absent—Messrs. Luther and Van Bokkelen—2.

So the bill passed.

Council took a recess.

In Council.

Mr. Luther presented himself, and the leave of absence was rescinded.

COMMUNICATION FROM THE SECRETARY OF THE TERRITORY.

SECRETARY'S OFFICE, N. T.,
Carson City, Nov. 12th, 1861. }

To the Council of Nevada Territory:

In reply to your resolution requesting information as to

whether my instructions, authorize me to pay the Census Marshall for his services, out of the Legislative Fund, appropriated by Congress.

The only portion of my instructions that might be considered applicable to the case, is as follows :—Under the head of "Incidental Expenses," the Comptroller of the Treasury, says, "These expenses cover, *for the Assembly*, rent of Halls, Committee Rooms, (one for each), Furniture, Stationery, and reasonable Postage. (to be restricted to official use); Fuel, Lights, and such other minor objects of a miscellaneous character, usually incident to the sessions of a legislative body."

I should not feel authorized to pay for said services, without further instructions from the Comptroller.

Very Respectfully,

ORION CLEMENS,

Secretary of the Territory.

On motion, Council went into Committee of the Whole, to take into consideration Council Bill No. 24, "An Act for the relief of Henry De Groot, and to provide for the Payment of the same."

In Council.

REPORT.

MR. PRESIDENT :—Your committee, to whom was referred Council Bill No. 24, "An Act for the relief of Henry De Groot," report the same back and recommend its passage as amended.

J. W. GRIER,

Chairman of Committee of the Whole.

Rules suspended, and Council Bill No. 24 read a third time, and placed on its final passage.

The ayes and nays were demanded with the following result:
Ayes, 7—Nays, 1:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, and Stewart.

Nays—Mr. Hannah—1.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Mr. Hannah offered the following concurrent resolution :

Resolved, By the Council, the House concurring, that a Joint Committee of two from each House be appointed in order to report to their several Houses what action will be necessary to secure and have printed at least three hundred copies of the laws as passed during the present session of the Legislature, as soon as is possible after the adjournment.

The resolution was read first and second times, rules suspended, read third time, and placed on its final passage.

Shall the resolution pass?

Ayes and nays demanded, on the adoption of the resolution, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Absent—Mr. Van Bokkelen—1.

So the resolution passed.

On motion, Council adjourned.

Approved,

J. W. PUGH,

President, *pro tem*.

Attest:

H. SMEATHMAN,

Secretary.

THIRTY-SIXTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER.

November 13, 1861. }

Council met pursuant to adjournment.

President, *pro tem*. in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

NOTICES OF BILLS.

Notice is hereby given that I will, at an early period, offer

a bill providing for an additional compensation to the Judges of the Supreme Court for services under the Territorial laws.

I. M. LUTHER.

MR. PRESIDENT:—I wish to give notice that I will, at an early day, introduce a bill for the payment of all horses and other property that was taken and used in the late Indian War.

ISAAC ROOP.

Mr. Pugh gives notice that on to-morrow, or some subsequent day, he will introduce a bill granting the right to certain persons to construct a Toll-Road from the town of Aurora to Desert Creek, in Esmeralda County, and to fix the rates of Toll on the same.

Mr. Grier gives notice that he will at an early day introduce a bill to "Incorporate Towns."

Council Bill No. 45, "An Act to create the Carson City Gas Co.," was read second time and referred to Standing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 12th, 1861. }

To the Honorable the Council:

The House has this day concurred in the passage of the Concurrent Resolution from your honorable body, "relative to the printing of the Session Laws," and under said resolution have appointed Messrs. Ford and Mills as the Conference Committee on the part of the House.

I transmit herewith the House "Concurrent Resolution concerning the retirement of Lieut. General Scott from active service in the Army," for your concurrence, the House having this day passed the same.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the President *pro tem.* appointed Messrs. Hannah and Luther as a committee of two to act with like committee from the House, "in relation to the printing of the Session Laws."

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 12th, 1861.

To the Honorable the Council:

The House has this day concurred in the Council's two several amendments to the House Bill entitled "An Act for securing Liens to Mechanics and others."

The House has also this day adopted the report of the Committee of Conference on the subjects matter of difference concerning the amendments to the Council Bill entitled "An Act concerning Crimes and Punishments."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 13th, 1861.

To the Honorable the Council:

I transmit herewith for the concurrence of your honorable body the following entitled House Bills, the same having passed the House on the 12th inst.:

"An Act concerning Roads and Highways."

"An Act to audit the claim of Alfred James, and to provide for the payment of the same."

I return herewith Council Bill entitled "An Act to regulate and protect Telegraph Lines and to secure secrecy and fidelity in the transmission of Telegraphic Messages," the House having passed the same on the 12th inst., without amendment

I return Council Bill entitled "An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Mulattoes, Chinese and Negroes," the House having passed the same on the 12th inst., with the following amendments, which they respectfully request may be concurred in by your honorable body.

In the 7th line of the 3d Section, strike out the word "and" and insert in lieu thereof the word "or." Also strike out the 4th Section.

I also return Council Bill entitled "An Act concerning Jurors," the House having passed the same with the following amendments, on the 12th inst., and you are respectfully requested to concur therein.

Insert as a new Section after Section 9, the following:

"The following persons shall be exempted from serving as Grand or Petit Jurors, viz.: All Priests and Ministers of the

Gospel, Attorneys, Practicing Physicians, all County, Township and Territorial Officers and Editors."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the President *pro tem.* appointed Messrs. Hannah, Stewart, and Geller, a committee of three to confer with a like committee from the House on Patriotic Resolution.

The Council concurred in the amendment to Council Bill No. 36, "An Act concerning Jurors."

Mr Hannah offered the following amendment to above bill:

"To exempt Firemen from Jury Duty."

Adopted.

The Council concurred in amendment offered by the House to Council Bill No. 23, "An Act to prohibit the Cohabitation and Marriage of Whites with Indians," Etc.

In the seventh line of Sec. 3, by inserting "or" in lieu of the word "and," but refused to concur in striking out Sec. 4 of the bill.

Council went into Committee of the Whole to take into consideration Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases."

Also, Council Bill No. 46, "An Act to prohibit Gambling."

Also, Council Bill No. 47, "An Act relative to Money of Account and Interest."

Also, House Bill entitled "An Act fixing the Age of Majority."

Also, "An Act prohibiting the Sale of Arms, Munitions, and Liquors, to Indians."

Also, "An Act for the better Observance of the Lord's Day."

In Council.

Mr. Luther, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bills Nos. 2, 46, and 47, and House Bills, "Fixing the Age of Majority."

Also, "An Act prohibiting the Sale of Arms," Etc. "to the Indians."

Also, "An Act for the better Observance of the Lord's Day," beg leave to report the same back and recommend their passage.

Rules suspended, and Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases," read third time and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Rules suspended, and Council Bill No. 46, "An Act to prohibit Gambling," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, and Stewart—7.

Nays—None.

Absent—Messrs. Roop and Van Bokkelen—2.

So the bill passed.

Rules suspended, and Council Bill No. 47, "An Act relative to Money of Account and Interest," read third time and placed on its final passage.

Ayes and nays were demanded, with the following result: Ayes, 6—nays, 2:

Ayes—Messrs. Geller, Hannah, Pray, Pugh, Roop, and Stewart—6.

Nays—Messrs. Grier and Luther—2.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Rules suspended, and House Bill "Fixing the Age of Majority," read third time and placed on its final passage.

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Rules suspended, and House Bill "An Act to prohibit the Sale of Arms," Etc., "to the Indians," read third time and placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Rules suspended, and House Bill, "An Act for the better Observance of the Lord's Day," read third time and placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Rules suspended, and House Bill, "Relative to Roads and Highways," read first time and placed on its second reading.

INTRODUCTION OF BILL.

Mr. Roop introduced Council Bill No. 49, "An Act defining the Duties of District Attorneys and providing for Payment of the Same."

Council took a recess.

In Council.

Mr. Luther, Chairman of Standing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred House Bill, "Providing for the Creation of Offices in the Territory of Nevada," beg leave to report progress, and ask leave to sit again.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Enrolling Committee, to whom was referred Council Bill No. 4, "An Act defining the time of commencing Civil Actions," beg leave to report the same correctly enrolled.

J. W. PUGH,
Of Committee.

On motion, Council adjourned.

Approved.

J. W. PUGH,
President *pro tem*.

Attest:

H. SMEATHMAN,
Secretary.

THIRTY-SEVENTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
November 14, 1861. }

Council met pursuant to adjournment.

President, *pro tem*. in the Chair.

Roll called.

Prayer by the Chaplain.

On motion, leave of absence was granted to Mr. Van Bokkelen, for one day.

REPORT OF ENGROSSING COMMITTEE.

Your Engrossing Committee would report Council Bill No. 19, entitled "An Act to provide for the Assessing and Collecting County and Territorial Revenue," as correctly engrossed, but would recommend that the same shall be again referred to the Committee of the Whole, in order to fill blanks and make some necessary amendments.

THOS. HANNAH,
Chairman Engrossing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 13th, 1861. }

To the Honorable the Council:

The House this day insists upon their amendment to the Council Bill entitled, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Mulattoes, Chinese, and Negroes," striking out the 4th Section.

The House has also this day concurred in the Council's amendment to the House amendment to the Council Bill entitled, "An Act concerning Jurors," with an amendment so that the same shall read as follows: "And regular enrolled firemen in active service, not exceeding sixty-five to each company."

Your concurrence is respectfully requested.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the President, *pro tem.* appointed Messrs. Stewart and Roop as a Conference Committee, to confer with a like committee from the House, on Council Bill No. 23, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians," etc.

The Council concurred in the amendment offered by the House to Council Bill No. 36, "An Act concerning Jurors."

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 14, 1861. }

To the Honorable, the Council:

I transmit herewith for the concurrence of your honorable

body the House Bill entitled "An Act to create a Board of Examiners, and to define their Powers and Duties," the House having passed the same on the 13th inst.

I return herewith the following Council Bills, entitled, "An Act relating to Wild Game and Fish," and "An Act to prevent the driving of Stock from their ranges," the House having passed the same without amendment on the 13th inst.

I also return herewith the Council Bill entitled, "An Act granting to certain parties the right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada," the House having passed the same on the 13th inst., with the following amendments, in which your honorable body is respectfully requested to concur:

Add to Sec. 1, "*Provided*, that nothing in this Act shall be so construed as to infringe upon any improvements already made without just compensation, and in case of running through any inclosure, said Railroad Company shall immediately build good and substantial fences on either side of said road.

Provided, further that the granting said Railroad franchise shall not include any water right on any stream it may pass along side of or cross.

Add to Sec. 3, "Whenever said company shall enter upon private property the compensation to be paid therefor shall be ascertained in the following manner: Said Company shall apply to a Judge of the District Court of the Territory of Nevada for the appointment of three Commissioners, whose duty it shall be, at the earliest practicable time after their appointment, to proceed to examine and assess the damages which may be sustained by the several owners or claimants of the lands through which the road of said company is located, *provided*, that persons locating lands after the passage of this Act shall not be entitled to any indemnification as aforesaid.

Either party feeling aggrieved by the decision of such Commissioners, may appeal to the District Court of the District in which said land may be situated, and said appeal shall be tried in the same manner as if commenced therein."

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

The Council concurred in the amendments offered by the House to the Council Bill No 27, "An Act to grant to certain Parties the right to Construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

Council Bill No. 49, "An Act defining the Duties of District Attorneys and providing for the payment of the same."

Read first and second times and referred to Standing Committee.

House Bill, to audit the claim of Alfred James, and to provide for the payment of the same.

Read first time and placed on its second reading.

House Concurrent Resolution, "on the retirement of Lieut. Gen. Winfield Scott."

Also, House Bill "relative to Roads and Highways.

Read a second time and referred to Standing Committee.

NOTICE OF BILL.

I hereby give notice that to-morrow I shall introduce a bill "to audit the claim of Marcus D. Larrowe, and to provide for the payment of the same."

THOMAS HANNAH.

Council took a recess.

In Council.

Mr. Luther offered the following resolution :

Resolved, That the Council, (the House concurring,) that on and after the 16th inst., no bills shall be entertained or considered during this session.

On motion, the resolution was indefinitely postponed.

Mr. Luther made the following report:

MR. PRESIDENT :—Your committee to whom was referred Council Bill "providing Revenue for the Territory of Nevada," beg leave to report the same back, with amendments, with the recommendation of its passage.

I. M. LUTHER,
Chairman.

Rules suspended, and Council Bill No. 19, "An Act to provide Revenue for the Territory of Nevada," read third time and placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Council took a recess.

In Council.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT:—Your Conference Committee, to whom was referred the "Union Resolutions," offered by the Council to the House of Representatives beg leave to report the accompanying as a substitute for the resolutions offered by the two Houses, respectively.

WM. M. STEWART,
Chairman.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 14th, 1861.

To the Honorable, the Council:

The House this day appointed Messrs. Youngs and Winters as a committee, to confer with a like committee from the Council, concerning the differences between the two Houses relative to amendments to the Council Bill entitled, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians," Etc., Etc.

The House has this day refused to concur in the Council's amendment to the House Bill entitled, "An Act to prohibit the sale of Arms, Munitions, and Liquors to Indians."

I herewith return the bill.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Council insisted on not striking out Section 4, of Council Bill No. 23, "An Act to prohibit Marriages and Cohabitation of Whites with Indians," Etc.

Council took a recess.

In Council.

REPORT FROM CONFERENCE COMMITTEE.

Your committee, appointed as a Committee on Printing, in conjunction with a similar committee on the part of the House, would beg leave to report, that they are unable to agree, and propose that the whole matter, together with all the other printing matter of the Legislature, be referred to the Secretary of the Territory for his respectful consideration, humbly trusting that he may be pleased to have the same printed at as early a day as possible.

THOS. HANNAH,
I. M. LUTHER.

On motion, the Council adjourned.

Approved.

J. W. PUGH,
President *pro tem.* of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

THIRTY-EIGHTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
Nov. 15, 1861. }

Council met pursuant to adjournment.

President, *pro tem.* in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence granted to Mr. Van Bokkelen.

Council Bill No. 48, "An Act to increase the *per diem* of Members and Attachees of the Legislature," referred to Committee of the Whole.

Mr. Stewart presented a memorial from the Virginia and Carson City Railroad Company.

Read and placed on file.

House Bill, "An Act to create a Board of Examiners," Etc. read a first time.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 15, 1861.

To the Honorable, the Council:

I herewith return the following entitled Council Bills, the House having passed the same without amendment on the 14th inst.:

"An Act to establish a Seminary of Learning in Carson City."

Also, "An Act to audit the Claim of Henry De Groot, and to provide for the Payment of the same."

Also, An Act to preserve the Purity of Elections, and to prevent Ballot Box Stuffing."

Also, "Memorial to Congress, relative to Judge Cradlebaugh's Salary."

I also return Council Bill No. 28, "An Act relative to Marriage and Divorce," the House having passed the same, with the annexed amendments, on the 14th inst.

WM. MARTIN GILLESPIE,
Clerk.

Council refused to concur in all the amendments offered by the House to Council Bill No. 28, "An Act relative to Marriage and Divorce."

On motion, the Railroad Bills, which were the special order of to-day, were postponed, and made the special order for Tuesday, Nov. 19, at one o'clock, P. M.

House Bill, "An Act to audit the Claim of Alfred James, and to provide for the Payment of the same," read a second time, and referred to Standing Committee.

Rules suspended, and joint resolution read a first, second, and third times, and placed on its final passage.

Shall the resolution pass?

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the resolution passed.

NOTICE OF BILL.

Mr. Grier gave notice that he would, at an early day, introduce a bill donating to the Territory of Nevada, grounds for the Capitol Buildings in the town of Silver City, and also furnishing a building for the next meeting of the Legislature, without charge to the people of the Territory, and ask that Silver City may be made the permanent Capital of the Territory.

Mr. Hannah introduced Council Bill No. 50, "An Act to audit the Claim of Marcus D. Larrowe, and to provide for the Payment of the same."

Placed on file.

On motion, the Capitol question was made the special order for Tuesday, Nov. 19, at 11, A. M.

Council took a recess.

In Council.

Council went into Committee of the Whole, to take into consideration House Bill entitled, "An Act creating Jails and providing for the Prisoners thereof," also, Council Bill No. 39, "An Act to prohibit the carrying of Deadly Weapons," etc.

In Council.

Mr. Luther made the following report:

Your committee, to whom was referred House Bill, "In relation to Common Jails," beg leave to return the same with amendments, and recommend its passage.

Also, "An Act prohibiting the wearing or carrying of Deadly or Dangerous Weapons," beg leave to return the same, with the recommendation of indefinite postponement.

I. M. LUTHER,
Chairman Committee of Whole.

Rules suspended, and House Bill, "An Act creating County

Jails, and providing for the Prisoners thereof," read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 8—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Stewart—8.

Nays—None.

Absent—Mr. Van Bokkelen—1.

So the bill passed.

Council took a recess.

In Council.

Mr. Pray made the following report:

MR. PRESIDENT:—Your committee, to whom was referred the House Bill, "On creation of Counties," report progress, and beg leave to sit again.

A. W. PRAY.

Mr. Van Bokkelen presented himself.

Mr. Luther introduced Council Bill No. 51, "An Act providing for certain parties the right to construct a Toll-Road up Carson Cañon."

On motion, the Council adjourned.

Approved,

J. W. PUGH,

President, *pro tem.*

Attest:

H. SMEATHMAN,

Secretary.

THIRTY-NINTH DAY'S PROCEEDINGS

COUNCIL CHAMBER,

November 16, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

On motion, Mr. Van Bokkolen, by permission, was allowed to record his vote (aye), on the Joint Patriotic Resolution, which passed the Council on the 15th inst.

Mr. Grier introduced Council Bill No. 52, "An Act to authorize John L. Blackburn, Solomon Lewis, and others, to supply the inhabitants of Carson City with pure, fresh Water."

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 16th, 1861. }

To the Honorable the Council:

The House transmits herewith, for the concurrence of the Honorable the Council, the following House Bill, entitled "An Act for the Improvement of the East Branch of Carson River," the same having passed the House, November 15th, 1861

Respectfully,

SAML. E. WETHERILL,

Deputy Clerk.

Rules suspended, and Council Bill No. 50, "An Act to audit the claim of Marcus D. Larrowe, and to provide for the payment of the same."

Also, Council Bill No. 51, "An Act providing for certain parties the right to construct a Toll Road up Carson Cañon," read first and second time and referred to Standing Committee.

House Bill, "An Act to create a Board of Examiners and to define their Powers and Duties," read a second time and referred to the Standing Committee.

Mr. Grier offered the following resolution:

Resolved, By the Council (the House of Representatives concurring), that the Joint Convention to elect Commissioners on the Western Boundery of this Territory, be postponed until Thursday next, at one o'clock.

Adopted.

Council took a recess.

In Council.

Mr. Luther made the following report:

MR. PRESIDENT.—Your committee to whom was referred House Bill, "An Act to create Counties and define their Boundaries," beg leave to report the same back, with amendments, and recommend its passage.

Rules suspended, and said bill read third time and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded, with the following result: Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Grier, Luther, Pugh, Roop, and Stewart—6.

Nays—Van Bokkelen, Pray, and Hannah—3.

So the bill passed.

Mr. Van Bokkelen moved a reconsideration of the vote, which on motion of Mr. Pugh, was indefinitely postponed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
Carson City, Nov. 16, 1861. }

To the Honorable, the Council:

The House has this day rejected Council Concurrent Resolution, relative to the Boundary Commissioner.

The House has this day also passed the following resolution:

Resolved, that the Clerk be directed to inform the Council that the House is ready to meet them in Joint Session, for the purpose of electing two Commissioners to wait upon the California Legislature, in relation to your Western Boundary as the law directs.

The House is now awaiting the Honorable the Council, to go into Joint Session.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Mr. Pugh moved to reconsider Council Bill "An Act locating the permanent seat of Government of the Territory at Carson City," which was made the special order for Tuesday, the 19th November.

Carried.

Council took a recess.

In Council.

Mr. Luther made the following report :

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 41, "Relative to the permanent Location of the Capital of the Territory of Nevada," beg leave to return the same, with the recommendation of its passage.

I. M. LUTHER,
Chairman of Standing Committee.

Council went into Committee of the Whole, for the consideration of the above bill.

In Council.

Mr. Pugh made the following report:

MR. PRESIDENT:—Your Committee of the Whole, to whom was referred Council Bill No. 41, "An Act locating the Capitol at Carson City," report the same back and recommend its final passage.

J. W. PUGH.

Rules suspended, bill read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, Roop, and Stewart—7.

Nays—Messrs. Pray and Van Bokkelen—2.

So the bill passed.

REPORT OF ENGROSSING COMMITTEE.

MR. PRESIDENT:—The Engrossing Committee beg leave to report Council Bill No. 41, correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

Mr. Stewart moved a reconsideration of the vote, by which Council Bill No. 41. was passed, which on motion of Mr Pugh was indefinitely postponed.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest :

H. SMEATHMAN,
Secretary.

FORTIETH DAY'S PROCEEDINGS

COUNCIL CHAMBER,
November 18, 1861. }

Council met pursuant to adjournment.

On motion, Mr. Pugh was elected as President *pro tem*.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Leave of absence was granted Mr. Van Bokkelen for one day.

Mr. Pugh, without previous notice, by leave, introduced Council Bill No. 53, "An Act to enable certain parties to construct a Railroad from Aurora to the Big Meadows, on the East Walker River."

Mr. Pugh introduced Council Bill No. 54, "An Act to authorize Wm. H. Dickson and others to construct a Toll Road from Desert Creek to Aurora and to fix the Rates of Toll on the same."

Placed on file.

Mr. Pugh, Chairman of Joint Enrolling Committee, made the following report :

MR. PRESIDENT:—Your Joint Enrolling Committee beg

leave to report Council Bills Nos. 24, 30, 31, and 42, also, Memorial to Congress, as correctly enrolled.

J. W. PUGH,
Chairman Enrolling Committee.

Council Bill No. 52, "An Act to authorize John L. Blackburn, Sol. Lewis, and others, to supply the inhabitants of the town of Carson City with pure fresh water."

Also, House Bill, "An Act for the improvement of the East Branch of the Carson City River."

Also, Council Bill No. 53, "An Act to enable certain Parties to construct a Railroad from Aurora to the Big Meadows, on the East Walker."

Read a first time.

Rules suspended and Council Bills 52 and 53, also, House Bill, "An Act for the improvement of the East Branch of the Carson City River."

Read second time and referred to Standing Committee.

Council took a recess.

In Council.

Mr. Pray, Chairman of Standing Committee, made the following report:

MR. PRESIDENT:—Your Standing Committee to whom was referred House Bill, "An Act relating to Elections, and the Mode of supplying Vacancies," beg leave to report the same back, with amendments, and recommend its passage.

Also, Concurrent Resolution on the Retirement of Gen. Winfield Scott, with amendment, and recommend its passage.

A. W. PRAY,
Chairman of Standing Committee.

Mr. Stewart moved that a notice appear in the Journal, showing that the Secretary had taken the necessary steps towards becoming a Citizen of the United States, thereby qualifying him to hold the office of Secretary of the Council, according to the Organic Act of this Territory.

Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 55, "An Act to audit the claim of E. C. Dickson."

Placed on file.

Mr. Roop, without previous notice, by leave, introduced Council Bill No. 56, "An Act to incorporate the Carson City and Humboldt Railroad Co."

Placed on file.

Mr. Grier introduced Council Bill No 57, "An Act concerning Records in the offices of Recorders in Mining Districts.

Placed on file.

Rules suspended, and House Bill, "An Act relating to Elections, and the Mode of supplying Vacancies."

Read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:

Ayes, 6—nays none.

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, and Stewart—6.

Nays—None.

Absent—Messrs. Luther, Roop, and Van Bokkelen—3.

So the bill passed.

Rules suspended, and House Concurrent Resolution, "Relative to the retirement of Gen. Winfield Scott," read a third time and placed on its final passage.

Shall the resolution pass?

The ayes and noes were demanded with the following result:

Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, and Stewart—7.

Nays—None.

Absent—Messrs. Luther and Van Bokkelen—2.

So the resolution passed.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President of the Council.

Attest:

H. SMEATHMAN,
Secretary of the Council.

FORTY-FIRST DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
November 19, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read, amended, and approved.

On motion, Messrs. Luther and Van Bokkelen were permitted to record their votes, (Aye,) on the Joint Resolution on the retirement of Lieut. Gen. Winfield Scott.

INTRODUCTION OF BILLS.

Mr. Hannah introduced Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

Placed on file.

Mr. Luther introduced Council Bill No. 59, "An Act to provide an additional Compensation to the Judges of the Supreme Court, for services under the Territorial Laws."

Placed on file.

Mr. Roop, introduced Council Bill No 60, "An Act to incorporate the Humboldt River Ferry Company."

Placed on file.

The Joint Conference Committee on Council Bill No. 23, "An Act to prohibit the Marriage and Cohabitation of Whites

with Indians, Chinese, Mulattoes, Negroes," Etc., made the following report :

MR. PRESIDENT:—Your Conference Committee, to whom was referred Council Bill No. 23, have under their consideration Section 4, and recommend that it read as follows :

"That, if any white person shall have carnal connection with any Indian or Chinese, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty, nor more than two hundred dollars, or be imprisoned in the County Jail, not less than ten nor more than sixty days, or both such fine and imprisonment, as the court may order."

ISAAC ROOP,
Chairman Conference Committee.

On motion to adopt the report of the Conference Committee the ayes and noes were demanded, with the following result:
Ayes, 6—nays, none :

Ayes—Messrs. Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—6.

Nays—None.

Absent—Messrs. Geller, Grier, and Luther—3.

So the report was adopted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 19th, 1861. }

To the Honorable, the Council:

The House, on the 16th inst., concurred in the Council's amendment to the House Bill entitled, "An Act relative to Common Jails, and the Prisoners thereof."

I return herewith the Council Patriotic Joint Resolutions, the House having passed the same after amending the title thereof so as to read the "Union Joint Resolutions," on the 18th inst.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the amendment offered by the House to the Council resolution was unanimously concurred in.

On motion, Messrs. Grier, Pugh, and Stewart, were chosen as a Conference Committee of three to confer with a like committee from the House, on Council Bill No. 28, "An Act relative to Marriage and Divorce."

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 19th, 1861. }

MR. PRESIDENT:—I return, herewith, the Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this Territory," which passed the House on the 18th inst., with the accompanying amendments, in which your honorable body is respectfully requested to concur.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, bill, with amendments, was referred to the Standing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Carson City, Nov. 19th, 1861. }

To the Honorable the Council.

The House have, this day, passed the following concurrent resolution:

WHEREAS, His Excellency, the Governor, is absent at Fort Churchill, and one of our prominent citizens, viz: John L. Blackburn, having been murdered by one William Mayfield; therefore, be it

Resolved, That this House, the Council concurring, do offer a reward of \$2,000 for the delivery of the body of said William Mayfield, at the jail in Carson City, the same to be paid out of any unappropriated funds in the treasury.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

The President decided, that as this resolution called for an appropriation of money, it could be not entertained.

Mr Pugh, on suspension of the rules, introduced Council Bill No. 61, "An Act authorizing a Reward of \$1,000, for the appre-

hension of William Mayfield, and providing for the payment of the same."

Passed through its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:

Ayes—9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council took a recess.

In Council.

Mr. Grier, Chairman of Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 43, "An Act to Incorporate the Virginia, Carson, and Truckee Railroad Company,"

Also, Council Bill No. 44, "An Act granting to certain parties, the right to construct a Railroad from Aurora, to certain points on the East Walker River, in the Territory of Nevada," beg leave to report the same back, and recommend their passage as amended.

Rules suspended, and Council Bill No. 44, read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:

Ayes, 7—nays, 2:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop, and Van Bokkelen—7.

Nays—Messrs. Geller and Stewart—2.

So the bill passed.

Rules suspended, and Council Bill No. 43, read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 7—nays, 2:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop,
and Van Bokkelen—7.

Nays—Messrs. Geller and Stewart—2.

So the bill passed.

NOTICE OF BILL.

I hereby give notice that on to-morrow, I will introduce a bill granting to certain parties, the right to construct a Railroad from and to certain points within this Territory.

THOMAS HANNAH.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 19th, 1861. }

To the Honorable, the Council:

"I return herewith the House Bill entitled "An Act to create Counties and establishing the Boundaries thereof," the House having concurred in all the amendments of the Council to the bill, after amending the substitute for the 5th Sec., by striking out the words "Halfway House, between Silver City and Gold Hill," and insert in lieu thereof, the words "Southern boundary of the Gold Hill Mining District, but running so as to include in this County, the Devil's Gate Toll House."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Mr Stewart made a motion that when the Council adjourns, it adjourn till one o'clock, P. M. to-morrow, for the purpose of permitting the members of the Council to attend the funeral of John L. Blackburn, late Sheriff of Carson County.

Carried.

Mr. Pugh, Chairman of Joint Enrolling Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bills Nos. 36, 37, and 25, beg leave to report the same as correctly enrolled.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

FORTY-SECOND DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 20, 1861. }

Council met pursuant to adjournment.

In the absence of the President, Mr. Luther was appointed President *pro tem*.

President *pro tem*. in the Chair.

Roll called.

Present—Messrs. Luther and Pray.

Absent—Messrs. Geller, Grier, Hannah, Pugh, Roop, Stewart, and Van Bokkelen.

On motion, a quorum not being present, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President of the Council.

Attest:

H. SMEATHMAN,

Secretary.

FORTY-THIRD DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 21st, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Pugh, Chairman of Joint Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Joint Enrolling Committee beg leave to report Council Bill No. 21, "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in this Territory," as correctly enrolled.

They also report that they handed to his Excellency the Governor, Council Bill No. 24, "An Act to audit the Claim of H. De Groot.

Also, Council Bill No. 30, "An Act to prevent the driving of Stock from their Ranges."

Also, Council Bill No. 31, "An Act relating to Wild Game."

Also, Council Bill No. 42, "An Act to incorporate a Seminary of Learning, in Carson."

Also, "The Memorial to Congress in relation to John Cradlebaugh."

J. W. PUGH,
Chairman Enrolling Committee.

Mr. Hannah, Chairman of Engrossing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 43, "An Act to incorporate the Virginia, Carson, and Truckee Railroad Company."

Also, Council Bill No. 44, entitled "An Act granting to certain parties the right to construct a Railroad from Aurora to certain points on the East Walker River in the Territory of Nevada," as correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

INTRODUCTION OF BILLS.

Mr. Hannah introduced Council Bill No. 62, "An Act granting to certain parties the right to construct a Railroad from the East Walker to the summit of the Sierra Nevadas."

Placed on file.

Mr. Geller introduced Council Bill No. 63, "An Act granting to certain parties the right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley."

Read first and second times, and referred to Standing Committee.

Mr. Roop, without previous notice, by leave, introduced Council Bill No. 64, "An Act to create the Virginia City Water Company."

Placed on file.

Mr. Stewart, without previous notice, by leave, introduced Council Bill No. 65, "An Act defining the Judicial Districts, fixing the Terms of the Supreme and District Courts of the Territory, and providing for the Transfer and Trial of Actions."

Read first and second times and referred to Standing Committee.

Mr. Luther, Chairman of Committee on Printing, offered the following letter from the Secretary of the Territory:

SECRETARY'S OFFICE, N. T., }
Carson City, Nov. 19, 1861. }

To the Hon. Council and House of Representatives of Nevada Territory:

Your concurrent resolution in relation to the printing, adopted yesterday, is received. The *Territorial Enterprise* having refused to do the Council printing, and the proprietors of the *Silver Age* declining to give the required bond, I have written inquiries on the subject to three prominent book and job printing firms of San Francisco. Upon receiving their answers, I shall be prepared to report to the Legislature the time said laws will be printed, and ready for distribution.

Most respectfully,

ORION CLEMENS,

Secretary of the Territory.

Rules suspended, and Council Bill No. 63, "An Act granting to certain parties the right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley," also, Council Bill No. 65, "An Act defining the Judicial Districts, fixing the Terms of the Supreme and District Courts of the

Territory, and providing for the Transfer and Trial of Actions," read first and second times, and referred to Standing Committee.

Council Bill No. 55, "An Act to audit the Claim of E. C. Dickson."

Also, Council Bill No. 56, "An Act to incorporate the Carson and Humboldt Railroad Company."

Also, Council Bill No. 57, "An Act concerning the Records in Recorder's Offices in Mining Districts."

Also, Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

Also, Council Bill No. 60, "An Act to incorporate the Humboldt River Ferry Company," were read a first time and placed on their second reading.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 20th, 1861.

To the Honorable, the Council:

I transmit herewith, for the concurrence of your honorable body, the House Bill entitled, "An Act relating to Sheriffs," the House having passed the same on the 19th inst.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 20, 1861.

To the Honorable, the Council:

I return herewith the Council Concurrent Resolution relative to the printing of the Session Laws, the same having been concurred in by the House.

I also transmit herewith the House Bill entitled "An Act to provide for a Special Election," the same having passed the House on the 19th inst.

I also return herewith the House Bill entitled, "An Act relating to Elections, and the mode of supplying vacancies," the House having concurred in all of the Council's amendments to said bill, with one exception, the addition to Section 17, which they nonconcur in.

The House has concurred in the Council's amendment adding

a new resolution to the concurrent resolutions concerning the retirement of Lieut. Gen. Scott.

The House rejected the report of the Conference Committee on the subjects matter of difference between the two Houses contained in the Council Bill entitled, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Mulattoes, Chinese, and Negroes," and I herewith return you that bill.

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion of Mr. Stewart, that the Council recede from their amendment offered to the House Bill entitled "An Act relating to Elections and the mode of supplying vacancies."

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, 1:

Ayes—Messrs. Geller, Grier, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nay—Mr. Hannah—1.

So the Council receded from their amendment.

Mr Roop moved that the House be requested to appoint another Conference Committee to confer with a like committee from the Council, on Council Bill No. 23, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians," etc.

Carried.

Council took a recess.

In Council.

Mr. Pugh offered the following resolution:

Resolved, That the Council, in order to facilitate business, hold evening sessions, commencing at 7 P. M. to-morrow, Nov. 22d, 1861.

Adopted.

Council went into Committee of the Whole, to take into consideration House Bill, "An Act to incorporate the Virginia City and Washoe Railroad Company."

In Council.

REPORT FROM COMMITTEE OF THE WHOLE.

MR. PRESIDENT:—Your committee to whom was referred House Bill granting to Capt. Cheever and others, the right to construct a Railroad from Virginia City to Washoe, beg leave to report the same back to the House and recommend its passage.

J. W. GRIER,

Chairman of Committee of the Whole.

Rules suspended, and the above House Bill read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 7—nays, 2:

Ayes—Messrs. Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—Messrs. Geller and Luther—2.

So the bill passed.

REPORT FROM STANDING COMMITTEE.

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 33, "An Act for the formation or construction of Turnpike and Plank Roads within the Territory of Nevada."

Also, Council Bill No. 2, "An Act regulating the Proceedings in Civil Cases," beg leave to return the same, with amendments, and recommend their passage.

I. M. LUTHER,

Chairman.

Mr. Stewart made the following motion:

MR. PRESIDENT:—I move to recommit the Practice Act to the Standing Committee with instructions to so amend the same as to make the provisions of the partition law applicable to the partition of mining claims owned by corporations.

Ayes and nays were demanded, with the following result: Ayes, 4—nays, 5:

Ayes—Messrs. Geller, Hannah, Roop, and Stewart—4.

Nays—Messrs. Grier, Luther, Pray, Pugh, and Van Bokkelen—5.

So the motion was lost.

Rules suspended, and Council Bill No. 33, "An Act authorizing the formation of Corporations for the construction of Plank or Turnpike Roads," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Roop, and Stewart—6.

Nays—Messrs. Geller, Pugh, and Van Bokkelen—3.

So the bill passed.

Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 66, "An Act to amend an Act entitled 'An Act defining the Time of commencing Civil Actions.'"

Rules suspended, and Council Bill No. 66, passed through its several readings and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Geller—1.

So the bill passed.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Nov. 21st, 1861. }

To the Council of Nevada Territory:

I have, this day, approved of the following bills:

"An Act defining the Time of commencing Civil Actions."

"An Act relating to Wild Game and Fish."

"Memorial to Congress, relative to Salary of Judge Cradlebaugh."

"An Act to establish a Seminary of Learning in Carson City."

"An Act to prevent the driving of Stock from their Ranges."
 "An Act to Audit the Claim of Henry De Groot and to provide for the Payment of the Same."

JAMES W. NYE,
 Governor of Nevada Territory.

On motion, the Council adjourned.

Approved. J. L. VAN BOKKELEN,
 President.

Attest:
 H. SMEATHMAN,
 Secretary.

FORTY-FOURTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
 November 22d, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Stewart, without previous notice, by leave, introduced Council Bill No. 67, "An Act to provide Revenue for the support of the Government of the United States."

Mr. Pugh, Chairman of Joint Enrolling Committee, made the following report:

REPORT OF JOINT ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee report that they handed to his Excellency, the Governor, Council Bill No. 21, "An Act to regulate Criminal Proceedings in Courts of Justice, in the Territory of Nevada."

J. W. PUGH.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 22, 1861.

To the Honorable, the Council:

The House insists upon its amendment to the 710th Section of the bill entitled, "An Act to regulate Proceedings in Civil Cases, in the Courts of Justice in the Territory of Nevada," and have appointed, on the part of the House, Messrs. Winters, Mills, and Bryan.

Messrs. Teall, Ford, and Ing, were appointed as a Committee of Conference, on the Council Bill entitled, "An Act relative to Marriage and Divorce."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, Messrs. Roop, Pugh, and Pray, were appointed as a Committee of Conference on the Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases," Etc.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 21st, 1861.

To the Honorable the Council:

The House this day having agreed to another conference on the subjects of difference between the two Houses on the Council Bill "relative to Marriage and Cohabitation of Whites with Indians," Etc, have appointed Messrs. Harrington, Sturtevant, and Bryan, as a committee on the part of the House.

I transmit herewith, for the concurrence of your honorable body, the following entitled House Bills, the same having passed the House:

"An Act authorizing D. D Kingsbury and Jas. W. McDonald to establish and maintain a Toll Road."

"An Act defining the County Seats of the Counties of Nevada Territory."

"An Act for defining the Judicial Districts of Nevada Territory, and assigning Judges thereto."

"An Act making Appropriations for certain Legislative Expenses."

"An Act to provide for the appointment of Notaries Public."

I also return herewith, the Council Bill entitled an "An Act to prohibit Gambling," the same having passed the House

with one amendment, viz.: in the 5th Sec., 7th line, insert between the words "fined," and "five," insert the words "any sum not exceeding."

I also return the Council Bill entitled "An Act to locate the permanent Seat of Government of this Territory, at Carson Crty," the House having passed the same.

I also return Council Bill entitled "An Act to amend 'An Act defining the time of commencing Civil Actions,'" the House having passed the same.

I also return herewith the Council Bill entitled "An Act to Legalize the official acts of Stephen A. Kinsey and Edward C. Morse, acting as Recorders in Carson County, during the years 1860 and 1861," the House having rejected the same.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, that the Council concur in the House amendment to Council Bill No. 46, "An Act to prohibit Gambling"

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the amendment was adopted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 22d, 1861. }

To the Honorable the Council:

The House transmits herewith for the concurrence of the Honorable the Council, the following House Bill, entitled "An Act in relation to the Militia of the Territory of Nevada."

Respectfully,

SAML. E. WETHERILL,
Assistant Clerk.

READING OF BILLS.

Council Bill No. 62, "An Act granting to certain parties the right to construct a Railroad from the East Walker to the Summit of the Sierra Nevadas."

Also, Council Bill No. 64, "An Act to create the Virginia City Water Works Company."

Also, Council Bill No. 60, "An Act to Incorporate the Humboldt River Ferry Company."

Also, Council Bill No. 56, "An Act to Incorporate the Carson and Humboldt Railroad Company."

Also, Council Bill No. 57, "An Act concerning the Records in the Offices of Recorders of Mining Districts."

Also, Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

Also, Council Bill No. 59, "An Act to provide additional compensation to the Judges of the Supreme Court, under the Territorial Laws."

Also, House Bill No. 51, "An Act relating to Sheriffs."

Also, House Bill No. 52, "An Act authorizing D. D. Kingsbury and James M. McDonald to establish and maintain a Toll Road."

Also, House Bill No. 53, "An Act defining the County Seats of the Counties of Nevada Territory."

Also, House Bill No. 50, "An Act to provide for Special Elections."

Also, House Bill No. 55, "An Act defining the Judicial Districts of the Territory of Nevada."

Also, House Bill No. 57, "An Act making appropriations for certain Legislative Expenses."

Also, House Bill No. 58, "An Act to provide for the appointment of Notaries Public."

Also, House Bill No. 61, "An Act in relation to the Militia of the Territory of Nevada."

Also Council Bill No. 55, "An Act to audit the claims of E. C. Dickson and to provide for the payment of the same," were read a first and second times and referred to the Standing Committee.

Council took a recess.

In Council.

Rules suspended, and Mr. Hannah without previous notice,

by leave, introduced Council Bill No. 68, "An Act to audit the claim of Adolphus Weitz."

Read a first and second times and referred to the Standing Committee.

REPORT OF STANDING COMMITTEE.

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 65, "An Act defining the Judicial Districts, and assignment of the Judges thereto," beg leave to report the same back with amendments, and recommend its passage.

Also, House Bill "Defining the Judicial Districts."

Also, "An Act defining the County Seats of Nevada Territory," and recommend their rejection.

Also, "An Act relative to the Militia of the Territory of Nevada," beg leave to return the same, and recommend its passage.

I. M. LUTHER,
Chairman Standing Committee.

House Bill, "Relative to the Militia," read a third time, and placed on its passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Griër, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 59, "An Act to provide Additional Compensation in the Judges of the Supreme Court, for services under the Territorial Laws," read a third time and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 65, "An Act defining the Judicial Districts," read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, Roop, and Stewart—7.

Nays—Messrs. Pray and Van Bokkelen—2.

So the bill passed.

The Secretary was instructed to return House Bills Nos. 53 and 55, with Council Bill 65, explaining that by the passage of said Council Bill, the House Bills were rendered unnecessary.

On motion, Messrs. Pugh, Luther, and Pray, were appointed as a Conference Committee, to confer with a like committee appointed by the House, on Council Bill No. 2, "An Act to regulate proceedings in Civil Cases "

Council took a recess.

In Council.

REPORT OF ENGROSSING COMMITTEE.

Mr. Hannah, Chairman of Engrossing Committee, made the following report:

MR. PRESIDENT:—Your Engrossing Committee would beg leave to report Council Bill No. 53, "An Act authorizing the formation of Corporations for the construction of Plank or Turnpike and Wagon Roads," as correctly engrossed.

THOS. HANNAH,
Chairman Engrossing Committee.

REPORT OF CONFERENCE COMMITTEE.

Mr. Roop, Chairman of Conference Committee, made the following report:

MR. PRESIDENT:—Your Joint Conference Committee beg leave to report that they have had under consideration Sec. 4

of Council Bill No. 23, "An Act to prohibit the Marriage of Whites with Indians," Etc., and recommend the section remaining as originally inserted.

ISAAC ROOP,
For the Joint Conference Committee.

Mr. Pugh, Chairman of Conference Committee made the following report:

MR. PRESIDENT:—Your Committee of Conference, appointed by the Council to confer with a like committee of the House, relative to the House amendments to the Practice Act, have had the same under consideration and have failed to agree.

J. W. PUGH,
Chairman Committee.

Mr. Roop moved that the vote by which House Bill, "An Act to Incorporate the Virginia and Washoe Railroad Company" was passed on the 21st inst., be reconsidered.

Shall the bill be reconsidered?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Grier, Luther, Pugh, Roop, and Van Bokkelen—6.

Nays—Messrs. Hannah, Pray, and Stewart—3.

So the motion to reconsider was adopted.

Thereupon, the Secretary reported that the said bill had been transmitted back to the House.

Mr. Stewart made a point of order, that the bill had gone out of the possession of the Council and had been reported in the House, and a motion to reconsider was out of order.

President decided the point of order not well taken.

Mr. Stewart appealed from the decision of the Chair.

Shall the decision of the Chair be sustained?

Ayes and nays demanded, with the following result: Ayes, 5—nays, 3:

Ayes—Messrs. Geller, Grier, Luther, Pugh, and Roop—5.

Nays—Messrs. Hannah, Pray, and Stewart—3.

So the Chair was sustained.

Mr. Pugh offered the following resolution:

Resolved, That when any bill or other document passes the Council, or House, as the case may be, any party may move a reconsideration at any time within the next day, unless said bill shall have been sent from the Council or House by the order of the Council.

J. W. PUGH.

Adopted.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

FORTY-FIFTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 25th, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read, amended, and approved.

Mr. Pugh offered the following Concurrent Resolution:

Resolved, By the Council (the House concurring), that the Governor be requested to return to the Council, Council Bill No. 21, to wit: the Criminal Practice Act, there being an essential correction to make to said bill before the Governor can give it his signature.

J. W. PUGH.

Shall the resolution pass?

Ayes and nays demanded with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the resolution passed.

Mr. Pugh introduced Council Bill No. 69, "An Act to ap-
No. 21, to appropriate Moneys from the Territorial Treasury
for the guarding of Prisoners in the Territory of Nevada."

Rules suspended, and Council Bill No. 69, read first and
second times and referred to Standing Committee.

REPORT OF ENROLLING COMMITTEE.

Mr. Pugh, Chairman of Enrolling Committee, made the fol-
lowing report:

MR. PRESIDENT:—Your Joint Enrolling Committee, to
whom was referred Council Bills Nos. 41, 46, and 66, "An Act
locating the Seat of Government at Carson."

Also, "An Act to prohibit Gambling."

Also, "An Act to amend an Act entitled 'An Act defining
the Time of commencing Civil Actions,' approved by the
Governor on the 21st day of November."

Also, Council Bill No. 25, "An Act to preserve the Purity
of Elections, and to prevent Ballot Box Stuffing."

Also, Council Bill No. 27, "An Act to grant to certain par-
ties a Right to construct a Railroad from the Western to the
Eastern Boundary of the Territory of Nevada."

Also, the "Union Joint Resolution."

Also, House Bill, "An Act in relation to Common Jails and
the Prisoners thereof."

Also, House Concurrent Resolution on the retirement of
Lieut. Gen. Winfield Scott.

Also, Council Bill No. 9, Crimes and Punishments, as cor-
rectly enrolled.

J. W. PUGH,

Chairman,

Rules suspended, and Council Bill No. 67, "An Act to pro-
vide Revenue for the Support of the Government of the Uni-
ted States," was read third time and placed on its passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the bill passed.

Mr. Stewart moved a reconsideration of the vote by which Council Bill No. 65, "An Act defining the Judicial Districts, fixing the Terms of the Supreme Court and District Courts of the Territory of Nevada," Etc., was passed on the previous day.

Ayes and nays were demanded, with the following result: Ayes, 6—nays, 3:

Ayes—Messrs. Grier, Hannah, Luther, Pugh, Roop, and Stewart—6.

Nays—Messrs. Geller, Pray, and Van Bokkelen—3.

So the vote was reconsidered.

Council went into Committee of the Whole for the consideration of Council Bill No. 65.

Also, Council Bill No. 69, "An Act to appropriate Moneys from the Territorial Treasury for the guarding of Prisoners in the Territory of Nevada."

Also, House Bill "Providing for a Special Election."

Also, House Bill, "An Act creating Offices in the Territory of Nevada."

In Council.

Mr. Grier, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee have taken into consideration Council Bill No. 65, and beg leave to report the same back, with amendments, and recommend its passage.

Also, Council Bill No. 69, and beg leave to report the same to the House and recommend its passage.

Also, House Bill fixing Special Elections, and beg leave to report the bill to the Council and recommend its passage.

Also, House Bill "Creating Offices for the Territory of Nevada," and beg leave to report the same, with amendments, back to the Council, and recommend its passage.

J. W. GRIER,

Chairman Committee of Whole.

Rules suspended, and Council Bill No. 65, "An Act defining the Judicial Districts," Etc., read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 6—nays, 3:

Ayes—Messrs. Grier, Hannah, Luther, Pugh, Roop, and Stewart—6.

Nays—Messrs. Geller, Pray, and Van Bokkelen—3.

So the bill passed.

Rules suspended, and Council Bill No. 69, "An Act to appropriate Moneys from the Territorial Treasury for the guarding of Prisoners," Etc., read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result: Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and House Bill, "An Act providing for a Special Election," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result: Ayes, 9—nays none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and House Bill, "An Act creating Offices," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:

Ayes—9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 70, "An Act granting to Rufus Walton, and associates, the right to construct and run a Steam Ferry on Lake Bigler."

Placed on file.

Mr. Roop introduced Council Bill No. 71, "An Act to audit the Claims of Judges, Inspectors, and Clerks, of the last Election, and to provide for the Payment of the same."

Placed on file.

Mr. Hannah offered the following concurrent resolution:

Resolved, By the Council, (the House concurring,) that the Houses meet in Joint Convention, at the hour of 11 o'clock, on Wednesday, November 27th, 1861, for the purpose of selecting Commissioners to serve in the different Counties of the Territory, to make the necessary arrangements for the election to take place on the first Tuesday of January, 1862.

Shall the resolution pass?

The ayes and nays demanded, with the following result:

Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution passed.

Mr. Hannah, Chairman of Engrossing Committee, made the following report:

REPORT OF ENGROSSING COMMITTEE.

MR. PRESIDENT:—Your committee, to whom was referred Council Bill No. 69, "An Act to appropriate Moneys from the Territorial Treasury, for the guarding of Prisoners in the Territory of Nevada."

Also, Council Bill No. 67, entitled, "An Act to provide Revenue for the Support of the Government of the United States," as correctly engrossed.

THOS. HANNAH.

Chairman Engrossing Committee.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

FORTY-SIXTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
November 25, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

Mr. Van Bokkelen presented a petition from the citizens of Washoe, protesting against the throwing of sawdust, and other deleterious matters, into the waters used for family purposes.

INTRODUCTION OF BILLS.

Mr. Pugh introduced Council Bill No. 72, "An Act creating the Nevada and California Passenger and Transportation Company."

Mr. Roop, without previous notice, by leave, introduced Council Bill No. 73, "An Act relative to the appointment of two Commissioners on the Western Boundary Line question."

Rules suspended, and Council Bill No. 73, read first and second times, and referred to Standing Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 25th, 1861. }

To the Honorable, the Council.

I transmit herewith, for the concurrence of your honorable body, the following entitled House Bills, the same having passed the House :

"An Act to incorporate the Nevada Valleys Railroad Company."

"An Act to regulate the Settlement of the Estates of Deceased Persons."

"An Act relative to a Territorial Prison."

"An Act to authorize the construction of a Toll Road in Humboldt County."

"An Act taking the Census, and apportioning the Representation of the Legislative Assembly of the Territory of Nevada."

"An Act to regulate Fees and Costs."

"An Act to provide for the Appointment and prescribing the Duties of Guardians."

I return herewith the following Council Bills, the same having passed the House on the 23d inst., without amendment:

"An Act to Incorporate the Virginia, Carson, and Truckee Railroad Company."

"An Act granting to certain parties the right to construct a Railroad from Aurora to certain points on the East Walker River, in the Territory of Nevada."

I also return herewith, the Council Bill entitled "An Act to provide for the Assessing and Collecting County and Territorial Revenue," the House having passed the same with the following amendments, viz.:

In the 58th Section, 2d line, strike out "sixty," and insert

"fifty," and in the 12th line, strike out the words "of the County."

In the 73d Sec., first subdivision, strike out "five," and insert "twenty," also strike out the words "for each alley." In the 3d subdivision, strike out "ten," and insert "twenty."

Strike out the 80th Section.

In the 96th Sec., strike out the words as follows: "the County Treasurer shall be allowed three per cent. on all money disbursed by him, but shall not be allowed any commission upon the amount retained by the Sheriff, or other Tax Collector for his fees, or any compensation for receiving.

The House has passed the Council Concurrent Resolution, requesting his Excellency the Governor to return Council Bill entitled "An Act regulating Proceedings in Criminal Cases in the Courts of Justice in the Territory."

The House has concurred in the Council's amendment to the House Bill entitled "An Act in relation to the Militia of the Territory of Nevada."

The House agreed to the report of the Conference Committee on the amendments about which the two Houses differed, to the Council Bill, entitled "An Act relative to Marriage and Divorce," which reads as follows:

"Council amendment to the House amendment to stand."

For the House amendment to Sec. 24, substitute the following to be added to said section:

"*Provided*, the Court upon good cause shown, may change the custody of such minor children, if they should be satisfied that such change will be for the welfare of such children."

The House has rejected the report of the Conference Committee on the Council Bill entitled "An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Mulattoes, Chinese, and Negroes," reinstating Sec. 4, stricken out by the House.

I return herewith the two last mentioned Council Bills.

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion to concur in the amendments offered by the House, to Council Bill No. 19, "An Act to provide for the assessing and collecting of County and Territorial Revenue," the ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the amendments were concurred in.

On motion to concur in the report of the Conference Committee on Council Bill No. 28, "An Act in relation to Marriage and Divorce," the ayes and nays were demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the report was adopted.

Mr. Stewart offered the following resolution:

Be it resolved by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

That the House of Representatives and Council meet in Joint Convention, on Wednesday the 27th day of November, 1861, at half past eleven o'clock, A. M., to elect two Boundary Commissioners to aid in settlement of the Western boundary of this Territory, as heretofore provided by Joint Resolution.

On motion, rules suspended, and the resolution read first and second times, considered engrossed and placed on its final passage.

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Geller—1.

So the resolution was adopted.

The Secretary was directed to transmit the above resolution forthwith to the House.

Council Bill No. 70, "An Act granting to Rufus Walton and associates the right to construct and run a Steam Ferry on Lake Bigler."

Also, Council Bill No. 71, "An Act to audit the Claims of the Judges, Inspectors, and Clerks of the last Election, and to provide for the Payment of the same.

Read the first time.

Rules suspended, and Council Bill No 73, "An Act to provide for the appointment of a Commissioner to the World's Fair."

Read a third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, Roop, and Van Bokkelen—7.

Nays—Messrs. Grier and Stewart—2.

So the bill passed.

Mr. Stewart moved a reconsideration of the bill, which was lost.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
Carson City, Nov. 25th, 1861. }

To the Honorable the Council:

The House this morning agreed to the report of the Conference Committee, reinstating the 4th section in Council Bill entitled, "An Act prohibiting the Marriage and Cohabitation of Whites with Indians," Etc.

I transmit herewith the House Bill entitled, "An Act to audit the Claim of John F. Kidder, for surveying the Boundary between California and the Territory of Nevada."

Also, House Memorial, "concerning the Eastern Boundary of Nevada," the House having passed the same this day.

The House has concurred in the Council's amendments to the House Bill entitled, "An Act creating Offices in the Territory of Nevada."

The House has concurred in the Council's resolution providing for the selection of County Commissioners.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion to concur in the amendment proposed by the House, to Council Bill No. 23, "An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Chinese, Mulattoes," Etc., the ayes and noes were demanded with the following result: Ayes, 8—noes, none;

Ayes—Messrs. Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Geller—1.

So the amendment was concurred in.

Council took a recess.

In Council.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Carson City, November 25th, 1861. }

Hon. J. L. Van Bokkelen, President Council:

SIR:—Herewith please find inclosed sundry amendments, corrections of verbal errors, etc., to an Act entitled, "An Act to regulate Proceedings in Criminal Cases, in the Courts of Justice, in the Territory of Nevada."

I have made this careful examination of the bill in compliance with the request of members of your honorable body, and will thank you to call their special attention to the matter.

Respectfully, your ob'dt servant,

JAMES W. NYE,
Governor of Nevada Territory.

Amendments and corrections of verbal errors, as suggested by the Governor to an Act entitled "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada."

Sec. 6—Strike out the words, "records and police."

Sec. 50, 3d Subdivision, should be amended by striking out the Governor, and all officers not created by Territorial law.

Sec. 52, correct—when Sec. 50 is amended, strike out word "Assembly," and substitute "House of Representatives."

Sec. 66—The sentence "upon the suspension of any Territo-

rial officer," etc., should be amended to agree with the amendment in Sec. 50. In the last line of this section, for "the next general election," substitute, "as provided by law."

Sec. 102 enumerates officers not recognized by the Organic Act, should read, "Justices of the Supreme Court, Probate Judges, and Justices of the Peace."

Sec. 107—Verbal error in first line of section between the words "defendant" and "if," for the word "of," substitute "or."

Sec. 110—The words "District Judge," should be stricken out.

Sec. 370—For the word "property," substitute the word "proper."

Sec. 371—For the word "property," substitute the word "proper."

Sec. 418—At end of third line, for the word "not," substitute the word "no."

Sec. 431—Strike out the word "in," between "also" and "its," and substitute the word "on."

Sec. 450—Strike out the word "of."

Sec. 454—In 3d line, between the words "be" and "more," strike out the words, "less than thirty, nor."

Sec. 457—In third line, between the words "any" and "thereof," strike out the word "judgment," and substitute the word "judge."

Sec. 469—Strike out the words, "Recorders, Mayors, or Police."

Sec. 471—Strike out the word "to," and substitute the word "as." In Subdivision 6, strike out "Recorders and Mayors."

Sec. 596—In the first line, after the word "Justice," strike out "Recorders, Mayors, or Police."

Sec. 597—In the first line, after the word "Justice," strike out the words "Mayor, Police, Judge, or Recorder."

Sec. 598—In the first line after the word "Justice," "Mayor, or Recorder, or Police Judge, as the case may be," should be stricken out.

Sec. 601—In first line, strike out "Mayor, Police, Judge or Recorder."

Sec. 677—Strike out and substitute the following:

That the supersedure of any law creating a criminal offense, shall not be held to constitute a bar to the indictment and punishment of a crime already committed, or to bar the trial and punishment of a crime where an indictment has been already found, in violation of the law so superseded, unless the inten-

tion to bar such indictment and punishment, or trial and punishment, where an indictment has been already found, is expressly declared in the superseding act.

Sec. 13—In this section the reference is wrong, for "Sec. 290," should be substituted "Sec. 293."

Rules suspended, and the vote by which Council Bill No. 21, "An Act to regulate proceedings in Criminal Cases, in the Courts of Justice in the Territory of Nevada," was passed, was reconsidered.

Council went into Committee of the Whole, for the consideration of Council Bill No. 21.

In Council.

Mr. Grier, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 21, "An Act to regulate proceedings in Criminal Cases, in the Courts of Justice in the Territory of Nevada," beg leave to report the same back, and recommend its passage, with the amendments as proposed by the Governor.

JNO. W. GRIER,

Chairman of Committee of the Whole.

Rules suspended, and Council Bill No. 21, read a third time as amended, and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Pugh, made the following report:

MR. PRESIDENT:—Your Joint Conference Committee, beg leave to report that they have concurred in the proposed amendment of the Council striking out the last clause in Council Bill No. 2, "An Act to regulate proceedings in Civil Cases."

J. W. PUGH.

Council took a recess.

In Council.

REPORTS FROM THE STANDING COMMITTEE.

MR. PRESIDENT:—Your committee to was referred Council Bill No. 50, "providing for the payment of Marcus Larrowe's Claims against the Territory of Nevada," beg leave to report the same back, with amendments, and recommend its passage.

Also, Council Bill No. 54, "An Act to authorize William H. Dickson and others to construct a Toll-Road, and fix the Rates of Toll on the same," beg leave to return the same with the recommendation of its passage.

Also, Council Bill No. 60, entitled "An Act granting to certain parties, to construct a Ferry on the Humboldt," beg leave to return the same to the Council and recommend its passage.

Also, Council Bill No. 64, "An Act to create the Virginia City Water Company," beg leave to return the same with the recommendation of its rejection.

Also, Council Bill No. 51, entitled, "An Act granting to Wm. Wade, and others, the right to construct a Toll Road up Carson Cañon," beg leave to return the same, and recommend its passage.

Also, Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company," beg leave to return the same, and recommend its passage.

Also, House Bill entitled, "An Act authorizing D. D. Kingsbury and Jas. M. McDonald to establish and maintain a Toll Road," beg leave to return the same to the Council with the recommendation of its passage.

Also, House Bill authorizing the Payment of Alfred James' Claim," beg leave to return the same, with the substituth herewith introduced, and recommend its passage.

I. M. LUTHER,

Chairman of Standing Committee.

Rules suspended, and House Bill "Authorizing D. D. Kingsbury and Jas. McDonald to establish and maintain a Toll Road," read third time and placed on its passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 50, "An Act to audit the Claim of Marcus D. Larrowe," read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 54, "An Act to authorize Wm. H. Dickson, and others, to construct a Toll Road, and fix the rates of Toll on the same," read a third time, and placed on its passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 60, "An Act granting the right to certain parties to construct a Ferry on the Humboldt," read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 64, "An Act to create the Virginia City Water Company," read a third time and placed on its final rejection.

Shall the bill be rejected?

Ayes and noes were demanded, with the following result:
Ayes, 8—noes, 1:

Ayes—Messrs. Geller, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—Mr. Geller—1.

So the bill was rejected.

Rules suspended, and Council Bill No. 51, "An Act providing for certain parties the right to construct a Toll Road up Carson Cañon," read a third time and placed on its passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company," read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 8—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Pray—1.

So the bill passed.

Rules suspended, and Council Bill No. 63, "An Act granting to certain parties the right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley," read third time and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 8—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, and Van Bokkelen—8.

Nays—None.

Excused—Mr. Stewart—1.

So the bill passed. ~

Rules suspended, and House Bill, "An Act to audit the Claim of Alfred James," as amended, read third time, and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 8—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the bill passed.

On motion, House Bill, "Making Appropriations for certain Legislative Expenses," was laid on the table until to-morrow.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 25th, 1861.

To the Honorable, the Council:

I transmit, herewith, the House Joint Resolution in relation to the Boundary Line between the State of California and Territory of Nevada, for your concurrence.

The House, this day, reconsidered, by a unanimous vote, the vote on the final passage of the bill entitled "An Act to regulate Proceedings in Criminal Cases in the Courts of Justice in

the Territory," and having amended the same as recommended by the Governor, again passed the bill, which I return herewith.

I transmit, herewith, for the concurrence of your honorable body, the following entitled House Bills:

"An Act to supply the City of Carson with Water and to protect the City from Fire."

"An Act concerning Coroners."

"An Act to incorporate the Virginia City Gas Company."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 25th, 1861.

To the Honorable, the Council:

The House has, this day, adopted the report of the Conference Committee on the "Practice Act," in which the House committee recedes from the House amendment, which added the 710th Section.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the report of the Conference Committee on the "Civil Practice Act," was adopted.

Council went into Committee of the Whole to take into consideration Council Bill No. 70, "An Act granting to Rufus Walton and Associates, the right to construct and run a Steam Ferry on Lake Bigler."

Also, House Bill, "An Act granting to certain Parties the Right to construct a Toll Road in Humboldt County."

In Council.

Mr. Grier, Chairman of Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee have taken into consideration, House Bill "Authorizing certain Parties to construct a Toll Road in Humboldt County," report the same back with amendments, and recommend its passage.

Also, Council Bill No. 70, and recommend its passage as amended.

J. W. GRIER,
Chairman of Committee of the Whole.

Rules suspended, and House Bill, "An Act granting to certain parties the Right to construct a Toll Road in Humboldt County," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Rules suspended, and Council Bill No. 70, "An Act granting to Rufus Walton and Associates, the Right to construct and run a Steam Ferry on Lake Bigler," read third time and placed on its indefinite postponement.

Ayes and nays were demanded, with the following result:
Ayes, 5—nays, 4:

Ayes—Messrs. Geller, Luther, Pugh, Roop, and Van Bokkelen—5.

Nays—Messrs. Grier, Hannah, Pray, and Stewart—4.

So the bill was indefinitely postponed.

REPORT OF ENGROSSING COMMITTEE.

Mr. Hannah, Chairman of the Engrossing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 73, "An Act relative to the appointment of a Commissioner to the World's Fair of 1862."

Also, Joint Resolution, "Relative to the Appointment of two Commissioners on the Western Boundary Line Question," beg leave to report the same as correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

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REPORT OF ENROLLING COMMITTEE.

Mr. Pugh, Chairman of the Joint Enrolling Committee, made the following report :

MR. PRESIDENT:—Your Joint Enrolling Committee beg leave to report Council Bill No. 44, "An Act granting to certain Parties the Right to construct a Railroad from Aurora to certain points on the East Walker River."

Also, that they handed to His Excellency, the Governor, the following bills:

No. 9, "An Act concerning Crimes and Punishments."

Also, No. 26, "An Act to grant to certain Parties a Right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

Also, No. 35, "An Act to regulate and protect Telegraph Lines and to secure Secrecy and Fidelity in the transmission of Telegraphic Messages."

Also, No. 36, "An Act concerning Jurors."

Also, No. 41, "An Act for the permanent Location of the Seat of Government at Caisson City."

Also, No. 46, "An Act to prohibit Gambling."

Also, the "Union Joint Resolutions."

Also, No. 66, "An Act to amend an Act entitled 'An Act defining the Time of commencing Civil Actions.'"

J. W. PUGH,

Chairman Enrolling Committee.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest:

H. SMEATHMAN,

Secretary.

FORTY-SEVENTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 26, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

REPORT OF ENGROSSING COMMITTEE.

Mr. Hannah, Chairman of Engrossing Committee, made the following report:

MR. PRESIDENT:—Your Engrossing Committee, to whom was referred Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

Also, No. 63, "An Act granting to certain Parties the Right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley."

Also, No. 54, "An Act to authorize W. H. Dickson and Others, to construct a Toll Road and fix the Rates of the Same."

Also, No. 51, "An Act granting the Right to construct a Toll Road up Carson Valley Cañon."

Also, No. 60, "An Act to incorporate the Humboldt River Ferry Company."

Also, No. 50, "An Act to Audit the Claim of Marcus D. Lariowe," and would beg leave to report the same correctly engrossed.

THOMAS HANNAH,
Chairman Engrossing Committee.

Mr. Hannah introduced Council Bill No. 74, "An Act relating to Common Schools."

Rules suspended, read first and second time and referred to Standing Committee.

Mr. Pugh introduced, without previous notice, by leave, Council Bill No. 76, "An Act to authorize Eri H. Comstock and others to construct and maintain a Toll Road and Bridges, and to fix the Tolls on the same."

Mr. Pugh, Chairman of Joint Enrolling Committee made the following report:

MR. PRESIDENT:—Your Joint Enrolling Committee, to whom was referred Council Bill No. 28, "An Act relating to Marriage and Divorce," report the same correctly enrolled.

Also, Council Bill No. 23, "An Act to prohibit the Cohabitation of Whites with Indians."

J. W. PUGH,
Chairman of Enrolling Committee.

Mr. Luther, Chairman of Standing Committee made the following report:

MR. PRESIDENT:—The Standing Committee report Council Bill, Defining the duties of Territorial Treasurer, and Auditor.

Also, Substitute for House Fee Bill.

Also, House Bill to pay Claim of F. Kidder, and recommend the passage of each.

Also, House Bill "An Act granting to Certain Parties the right to supply Gas to Carson City."

Also, House Bill, "An Act granting to Wild, Blackburn, and others, the right to supply Carson City with Water," beg leave to return the same with the recommendation of its passage, with amendments.

Also, Council Bill providing for an Act for the Formation and Management of Schools in the Territory of Nevada, beg leave to return the same to the Council, and recommend its passage.

Also, House Bill relative to Deceased Persons, beg leave to return the same, with amendments, with recommendation that it pass.

Also, beg leave to report Council Bill No. 49, "An Act relative to District Attorneys," and recommend the passage of the substitute herewith presented.

Also, report House Bill in relation to County Commissioners, etc., and recommend its passage, with amendments.

I. M. LUTHER,
Chairman of Standing Committee.

Rules suspended, and the following bills read a third time, and placed on their final passage:

Council Bill No. 14, "An Act defining the Duties of Territorial Treasurer."

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none.

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 11, "An Act concerning Territorial Auditor," placed on its passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act in relation to Fees and Costs," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following results:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act to audit the claim of John F. Kidder," as amended, placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act to supply the City of Carson with Gas," as amended, placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—none.

So the bill passed.

Council Bill No. 74, "An Act relating to Public Schools," placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act to regulate the Estate of Deceased Persons," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill, "An Act defining the Duties of District Attorneys," placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act creating Board of Commissioners," as amended, placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Stewart offered the following resolution:

Resolved, That the Secretary be instructed to transmit to the House, with all possible dispatch, all bills and resolutions as they pass the Council, unless some member gives notice at the time of the passage of the same, that he intends to move a reconsideration thereof.

Adopted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 26th, 1861.

To the Honorable the Council:

I transmit herewith, for the concurrence of your honorable body, the following entitled House Bills, the same having passed the House this day:

"An Act to increase the Representation of the Legislative Assembly of the Territory of Nevada."

"An Act to fix the time of Meeting of the Legislative Assembly."

"An Act relating to County Assessors."

"An Act to authorize the Governor to have the Boundary Line between this Territory and the State of California surveyed."

"An Act for the Relief of S. Wasserman & Co."

I return the Council Bill entitled, "An Act authorizing a reward of One Thousand Dollars for the apprehension of Wm. Mayfield, and providing for the Payment of the same," the House having passed the same.

I also return the Council Bill entitled "An Act relative to Money of Account and Interest," the House having passed the same, after amending the bill by striking out the 6th Section.

I also return the Council Bill entitled, "An Act to authorize the Secretary of the Territory to receive a Compensation for certain Duties pertaining to his Office," the same having been passed by the House, with the following amendments:

In Section 1, strike out "one," and insert "two."

In Section 2, strike out "two and a half," and insert "five;" and before the word "Deeds," insert the words "Commissioner of."

In Section 3, strike out "twenty-five," and insert "thirty."

In Section 4, strike out "one," and insert "five."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion that the Council concur in the amendment offered by the House to Council Bill No. 47, "An Act relative to Interest of Money and Account."

The ayes and nays demanded, with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the amendment was adopted.

On motion that the Council concur in the amendments offered by the House to Council Bill No. 16, "An Act to authorize the Secretary of the Territory to receive Compensation for certain Duties pertaining to his Office."

Ayes and nays were demanded, with the following result:
Ayes, 4—nays, 5:

Ayes—Messrs. Geller, Luther, Pugh, and Roop—4.

Nays—Messrs. Grier, Hannah, Pray, Stewart, and Van Bokkelen—5.

So the amendments were rejected.

Mr. Luther, Chairman of the Standing Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 78, "An Act to provide for the filling of Va-

cancies in Office," beg leave to return the same without amendments, and recommend its passage.

Also, "An Act to Create Virginia City Gas Company," beg leave to return the same with amendments.

Also, House Bill, "Concerning Coroners," beg leave to return the same, with amendments, and recommend its passage.

Also, Council Bill "Relative to Running Sawdust into the Running Streams within the Territory of Nevada," beg leave to return the same, without amendments, and recommend its passage.

Also, Council Bill, "An Act concerning Mining Records," etc., beg leave to return the same with recommendation of its passage.

Also, House Bill "Relative to Sheriffs," beg leave to return the same, with amendments, and recommend its passage.

Also, Council Bill No. 71, "An Act providing Payment for the Judges, Inspectors, and Clerks of the last Election in the Territory of Nevada," and recommend its passage.

Also, House Bill "Relative to improving East Fork of Carson River," beg leave to return the same to the Council, without amendments, and recommend its passage.

I. M. LUTHER,
Chairman.

Rules suspended, and the following bills were read third time and placed on their final passage:

House Bill "An Act to Incorporate the Virginia City Gas Company."

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Roop, and Van Bokkelen—7.

Nay—Mr. Stewart—1.

Absent—Mr. Pugh—1.

So the bill passed.

House Bill, "An Act to improve the East Branch of the Carson River," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 8—nay, 1:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nay—Mr. Roop—1.

So the bill passed.

House Bill "Relating to Coroners," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the bill passed.

Council Bill No. 77, "An Act to preserve the Purity of Streams, running through Nevada Territory," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 71, "An Act to Audit the Claims of the Judges, Inspectors, and Clerks of the last Election, and to provide for the Payment of the Same," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 57, "An Act concerning the Records in the Offices of Recorders in the Mining Districts," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 78, "An Act to provide for the Filling of Vacancies in Offices," placed on its final passage.

Ayes and nays demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—Messrs. Luther, and Pugh—2.

So the bill passed.

Council took a recess.

In Council.

Mr. Luther, Chairman of the Standing Committee made the following report:

MR. PRESIDENT:—Your committee to whom was referred House Bill, "An Act concerning Roads and Highways," beg leave to report progress, and ask leave to sit again.

Leave granted.

COMMUNICATION FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
 Carson City, Nov. 25, 1861. }

To the Honorable, the Council:

I have this day approved the following bills:

"An Act to preserve the purity of Elections, and to prevent Ballot Box Stuffing."

"An Act to grant to Certain Parties a right to construct a Railroad from the Western to the Eastern Boundary of the Territory of Nevada."

"An Act for the permanent Location of the Seat of Government at Carson City."

"An Act to regulate and protect Telegraphic Lines, and to secure secrecy and fidelity in the Transmission of Telegraphic Messages."

"An Act to amend an Act entitled 'An Act defining the time of commencing Civil Actions,' approved by the Governor on the 20th day of November, 1861."

"The Union," a Joint Resolution.

"An Act granting to Certain Parties the right to construct a Railroad from Aurora to certain points on the East Walker River, in the Territory of Nevada."

"An Act concerning Crimes and Punishments."

"An Act to regulate proceedings in Criminal Cases in the Courts of Justice in the Territory of Nevada."

"An Act to Prohibit Gambling."

"Concurrent Resolutions, concerning the retirement of Lieut. Gen. Scott from Active Service."

JAMES W. NYE,
 Governor of the Territory of Nevada.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
 Nov. 26, 1861. }

To the Council of Nevada Territory:

I have this day approved an Act, entitled "An Act concerning Crimes and Punishment."

In transmitting my approval of this Act, so recently sent to me by your honorable body, I deem it but just to myself to explain to you some of the considerations by which I am influenced, in giving it my approval.

While the general scope and tenor of the act, meets my unqualified approbation, there are some of its provisions, which,

under other circumstances, I should be glad to see improved by amendments. In view of the short time given me for an examination of the bill, and the urgent necessity which exists for Criminal Statutes of some kind, I am constrained to waive these defects for the public good.

I cannot however, give my approval to this bill without entering my solemn protest against one of its provisions. I refer to Sec. 13, in which it is provided "that no black, or Mulatto person, or Indian, or Chinese shall be permitted to give evidence in favor of or against any white person; and every person who shall have one-eighth part or more of Negro blood, shall be deemed a Mulatto; and every person who shall have one half of Indian blood shall be deemed an Indian."

My objections to the provisions of this section, are briefly these: 1st, a person of one eighth black blood, is not a mulatto in truth nor in fact, and in addition, the sentiment conveyed is behind the spirit of the age, which is progressive and calculated to enlarge in every proper way the privileges of testifying; the object of testimony being to open wide the door for the admission of evidence and leaving questions relating thereto, to be settled by the Court and Jury upon the ground of credibility rather than competency.

As an illustration of the impropriety of this provision in the Criminal law, it may with propriety be compared with the provision made in the Civil Act.

In this it is provided that all may testify whether of Indian or Negro blood, who have not one half, or more of such blood in their veins, so that a person of three fourths white blood may testify in a case where a white man has injured his property, (even so common a piece of property as a dog), and yet where injured in his own person, by this provision of the Criminal Act his mouth is sealed. Such discrimination is clearly improper, but I return the Act with my approval in the present exigency, hoping that you will at a future session embrace an early opportunity to amend this and several other objectionable features of a law so wholesome and just in its general features.

JAMES W. NYE,

Governor of Nevada Territory.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,

President.

Attest: H. SMEATHMAN,

Secretary.

FORTY-EIGHTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
November 27, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

The hour having arrived to meet the House in Joint Convention, the Council proceeded to the House, in compliance with the following resolution :

Resolved, "By the Council, (the House concurring), that the two bodies meet in Joint Convention at the hour of 11 o'clock A. M. on Wednesday the 27th inst. for the purpose of selecting Commissioners to serve in the different Counties of the Territory to make the necessary arrangements for the Election to be held on the first Tuesday of January, 1862."

In Joint Session.

The Concurrent Resolution, as adopted by both Houses, on the 25th was read.

Mr. Mills, moved that the several counties be called in their order, and proceed to nominate three Commissioners from each county.

The motion was adopted.

For Douglas County, Hiram Mott, Sr., S. A. Kinsey, and J. Van Sickle.

For Ormsby County, J. S. Albro, H. F. Rice, and F. A. Tritle.

For Storey County, H. G. Blaisdell, Israel W. Knox, and Charles E. Olney.

For Washoe County, H. F. Pierce, Charles Smith, and H. Burris.

For Lake County, Wm. Westherlow, W. H. Naighley, and Daniel Murray.

For Lyon and Churchill Counties, C. B. Zabriskie, R. E. Trask, and S. L. Buckland.

For Humboldt County, M. S. Thompson, A. W. Sylvester, and A. Benway.

The following concurrent resolution was then read:

Be it Resolved, by the Governor and Legislative Assembly of the Territory of Nevada, as follows:

That the House of Representatives and Council meet in Joint Convention, on Wednesday the 27th day of November, 1861, at half past 11, A. M., to elect two Boundary Commissioners to aid in settlement of the Western Boundary of this Territory as heretofore provided by joint resolution.

It was moved that the Joint Session proceed to the nomination of Boundary Commissioners.

Mr. Pugh nominated Isaac Roop.

Mr. Stewart nominated Thomas Hannah.

Mr. Luther nominated J. W. Pugh.

Mr. Ing nominated R. M. Ford.

Mr. Osborn nominated W. N. Mitchell.

Mr. Winters nominated I. Mills.

Mr. Grier nominated I. C. Birdseye.

Mr. Osborn nominated Sam. Youngs.

The nominations were now closed, and the Convention proceeded to ballot, when Mr. Roop having received sixteen ballots, and Mr. Ford thirteen, were declared duly elected such Commissioners.

The business for which the two bodies met having been closed, the Council returned to their Hall.

Council took a recess.

In Council.

Mr. Pugh, without previous notice, on leave, introduced Council Bill No. 79, "An Act authorizing the Private Secretary of the Governor to receive Fees," Etc.

Placed on file.

Mr. Stewart, without previous notice, on leave, introduced Council Bill No. 80, "An Act concerning certain Offices."

Rules suspended, and bill passed through its several stages, and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Pray—1.

So the bill passed.

Mr. Hannah moved suspension of rules that Council Bill No. 32, "An Act in relation to Surveyors and Surveying," be placed on its final passage.

Adopted.

Bill read as amended.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—none.

So the bill passed.

REPORT OF COMMITTEE ON TERRITORIAL SEAL.

MR. PRESIDENT:—Your Committee on Territorial Seal would beg leave to report that in consequence of the pressure of other and important business, they have not been able to give the attention necessary to secure a more perfect and suitable seal than the one suggested by the Secretary of the Territory, and would therefore respectfully recommend the adoption of the seal proposed by the Secretary, and also the proposed motto, "Volens et Potens."

THOS. HANNAH,
ISAAC ROOP.

Report adopted and committee discharged.

Mr. Hannah, on suspension of Rules, introduced Council Bill No. 81, "An Act authorizing the Secretary of the Territory to procure a Territorial Seal."

The bill was passed through its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Stewart offered the following resolution:

Resolved, That the Enrolling Committee report the bill known as Capt. Cheever's Railroad Bill, and that the President be requested to sign the same.

Shall the resolution pass?

Ayes and nays were demanded, with the following result: Ayes, 3—nays, 5:

Ayes—Messrs. Grier, Hannah, and Stewart—3.

Nays—Messrs. Geller, Luther, Pray, Pugh, and Roop—5.

Declined voting—Mr. Van Bokkelen—1.

So the resolution was lost.

Council went into Committee of the Whole.

In Council.

REPORT FROM COMMITTEE OF THE WHOLE.

Mr. Grier made the following report:

MR. PRESIDENT:—Your committee to whom was referred House Bill, "To provide for the formation of Corporations for certain Purposes," beg leave to report the same back, as amended, to the Council and recommend its passage.

J. W. GRIER,
Chairman of Committee of the Whole.

House Bill No. 1, "An Act to provide for the formation of Corporations for certain Purposes," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—6.

Nays—Messrs. Geller, Grier, and Hannah—3.

So the bill passed.

FURTHER REPORT FROM COMMITTEE OF THE WHOLE.

MR. PRESIDENT:—Your committee have continued the consideration of Free Road Bill, and beg leave to report the same back to the Council, with amendments, and recommend its passage.

J. W. GRIER,
Chairman Committee of Whole.

Rules suspended, and House Bill "Concerning Roads and Highways," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed as amended.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 27th, 1861. }

To the Honorable the Council:

I return herewith the following Council Bills, the House having passed the same without amendment:

"An Act to appropriate Moneys from the Territorial Treasury for the guarding of Prisoners in the Territory of Nevada."

"An Act to provide Revenue for the Support of the Government of the United States."

"An Act to create the Carson City Gas Company."

A. M. Martin

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"An Act to create the Gold Hill and Silver City Gas Company."

"An Act to incorporate the Humboldt River Ferry Company."

"An Act granting to certain parties the right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley."

I transmit, for the concurrence of your honorable body, the following entitled House Bills:

"An Act to change the name of Calvin Smith."

"An Act to provide for the publication of the Laws of the Territory of Nevada."

"An Act for the Relief of David M. Hanson."

"An Act authorizing the construction of a Toll Road."

Also, the Council Bill entitled, "An Act relative to District Attorneys," the House having passed the same this day.

I also transmit herewith the House Concurrent Resolution, and request the concurrence of your honorable body therein.

"Resolved, By this House, (if the Council concur) that Joint Rule No. 15 be, and is hereby rescinded."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council concurred in the above resolution to rescind Joint Rule No. 15.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 26th, 1861.

To the Honorable the Council:

The House refuses to recede from their amendments to the Council Bill entitled, "An Act to authorize the Secretary of the Territory to receive Compensation for certain Duties pertaining to his Office."

The House has concurred in the Council's amendment to the House Bill entitled, "An Act creating Boards of County Commissioners, and defining their Duties."

The House has also concurred in the Council's amendments to the House Bill entitled, "An Act relative to Fees and Costs."

The House has also concurred in the Council's amendments to the House Bill entitled, "An Act to regulate the Settlement of the Estates of Deceased Persons."

The House has designated Messrs. Osborn, Ford, and Bryan,

as a Committee of Conference on the bill relative to the Fees of the Secretary of the Territory, and request the appointment of a similar committee by your body.

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion, Messrs. Hannah, Stewart, and Pray were appointed as a Conference Committee, to confer with a like committee from the House, on the bill "Relative to the Fees of the Secretary of the Territory."

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,)

November 26th, 1861. }

To the Honorable the Council:

I transmit, herewith, for the concurrence of your honorable body, the following House Bills:

"An Act to audit the Claim of Kinkead & Harrington, and to provide for the Payment of the Same."

"An Act to audit the Claim of P. H. Clayton, and to provide for the Payment of the Same."

"An Act relative to Public Records."

"An Act in relation to County Treasurers."

I also return, herewith, the Council Bill entitled "An Act to audit the Claim of Marcus D. Larrowe, and to provide for the Payment of the Same," the House having passed the same without amendment.

I also return the Council Resolution "Relative to Boundary Commissioners," the House having passed the same after amending the same so as to make it a concurrent, instead of a joint resolution.

I also return the Council Bill entitled "An Act to provide for the appointment of a Commissioner to the World's Fair of 1862," the House having rejected the same on its second reading.

I also return, herewith, the Council Bill entitled "An Act to increase the Compensation of the Supreme Judges of this Territory for the transaction of Territorial Business," the House having passed the same, with the following amendments:

In Sec. 1, after the word "Clerk," in the seventh line, strike out the balance of the section and substitute, therefor, the following:

"Which shall be collected by the Clerk, and the Clerks of each District Court shall, as often as once in three months, report to the Auditor of the Territory the amount received, by such fees, and remit such money to the Territorial Treasurer. All such moneys shall be divided, equally, to the three U. S. District Judges."

Amend Sec. 2, by striking out, in the fifth line, all after the word "Treasury."

Add new section—"Sec. 3. All acts or parts of acts, in violation of the provisions of this act, are hereby repealed."

I also return, herewith, the Council Bill entitled "An Act authorizing the formation of Corporations for the construction of Plank, Turnpike, and Wagon Roads," the House having passed the same, with the following amendments:

In the 18th Section, 39th line, strike out the word "one," and insert "two."

Fortieth line, strike out the word "two," and insert "four."

Forty first line, strike out the word "third," and insert the word "fifth."

Forty-fifth line, strike out the word "three," and insert the word "five."

Sixty-second line, strike out "five," and insert "two."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion that the amendments offered by the House, to Council Bill "An Act to increase the Compensation of the Supreme Judges," etc. be concurred in.

Shall the amendment be concurred in?

Ayes and noes were demanded, with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the amendments were concurred in.

The Council concurred in the amendments to Sec. 18: 39th, 40th, 41st, and 45th lines, offered by the House, but refused to concur in the House amendment to Sec. 18, 62d line, by strik-

ing out "five," and inserting in lieu thereof "two," to Council Bill "An Act authorizing the formation of Corporations for the construction of Plank, Turnpike, and Wagon Roads."

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 25, 1861. }

To the Honorable, the Council:

The House has this day passed the Council Bill entitled "An Act defining the Judicial Districts, fixing the terms of the Supreme and District Courts, locating the County Seats," etc., with the following amendments:

For Sec. 2d, substitute the following:

The First Judicial District, shall embrace the counties of Storey, Lyon, and Churchill.

The Second Judicial District, shall embrace the counties of Ormsby, Douglas, and Esmeralda.

The Third Judicial District, shall embrace the counties of Washoe, Lake, and Humboldt."

For Sec. 3d, substitute the following:

"The Hon Horatio M. Jones, Associate Justice of the Supreme Court, is hereby assigned to the First Judicial District.

The Hon. George Turner, Chief Justice, is hereby assigned to the Second Judicial District.

The Hon. Gordon N. Mott, Associate Justice of the Supreme Court, is hereby assigned to the Third Judicial District."

In 5th Sec. 7th line, strike out the words "Washoe," and insert "Lyon," and in the 10th line, strike out the word "Lake," and insert the word "Churchill."

In Sec. 7, 5th line, strike out the word "Lyon," and insert the word "Washoe," and between the words "judicial" and "purposes," insert the words "County and Revenue."

In Sec 15, last line, strike out the words "Silver City," and insert "Dayton."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

The Council refused to concur in the amendments offered by the House to Council Bill, "An Act defining the Judicial Districts and assigning the Judges thereto," etc., and requested a Conference Committee.

Messrs. Pugh, Stewart, and Luther, were appointed a Con-

ference Committee on the part of the Council, to confer with a like committee on part of the House, on Council Bill, "An Act defining the Judicial Districts."

REPORT OF ENROLLING COMMITTEE.

Mr. Pugh, Chairman of the Joint Enrolling Committee, made the following report:

MR. PRESIDENT:—Your committee to whom was referred Council Bill No. 61, "An Act authorizing a Reward of One Thousand Dollars for the apprehension of Wm. Mayfield, and providing for the Payment of the Same."

Also, Council Bill No. 47, "An Act relative to Money of Account and Interest."

Also, Council Bill No. 50, "An Act to audit the Claim of Marcus D. Larrowe, and to provide for the Payment of the Same."

Also, Council Bill No. 54, "An Act to authorize Wm. H. Dickson and Others, to construct a Toll Road and fix the rates of Toll on the Same," as correctly enrolled.

J. W. PUGH,
Chairman Committee.

FURTHER REPORT.

MR. PRESIDENT:—Your Joint Enrolling Committee beg leave to report that they handed to His Excellency, the Governor, Council Bill No. 43, "An Act to Incorporate the Virginia and Truckee Railroad," etc.

J. W. PUGH,
Chairman of Enrolling Committee.

COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 27th, 1861.

To the Honorable, the Council:

The House has concurred in the Council's amendments to the House Bill entitled "An Act to audit the Claim of John F. Kidder," etc.

Also, the amendments to the House Bill entitled "An Act for the improvement of Carson River."

Also, the amendments to the House Bill entitled "An Act to supply the City of Carson with Water," etc.

I transmit, for the concurrence of your honorable body, the House Bill entitled "An Act making Appropriations for certain Legislative Expenses."

I return, herewith, the Council Bill entitled "An Act authorizing Wm. H. Dickson and Others, to construct a Toll Road," etc., the House having passed the same without amendment.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 27th, 1861.

To the Honorable, the Council:

The House has, this day, concurred in the Council's amendment to the House Bill entitled "An Act to audit the Claim of Alfred James, and to provide for the Payment of the Same."

The House has, also, concurred in the Council's amendment to the House Bill entitled "An Act to authorize the construction of a Toll Road in Humboldt County."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Mr. Hannah offered the following resolution :

Resolved, By the Council, (the House concurring,) that the Secretary of the Territory, be, and is hereby authorized to pay out of the Legislative Fund to John G. Fox, the sum of one hundred and sixty-five dollars, (\$165) for furnishing to the Legislative Assembly thirty copies, daily, of the *Sacramento Union*, during the present session.

Adopted.

Mr. Stewart introduced, by leave, Council Bill No. 82, "An Act fixing the Salary of the Territorial Superintendent of Public Instruction."

Rules suspended, and said bill read first and second times, and referred to Standing Committee.

On motion, the Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

FORTY-NINTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,

November 28, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee, to whom was referred Council Bill No. 28, "An Act relating to Marriage and Divorce."

Also, No. 23, "An Act prohibiting the Marriage and Cohabitation of Whites with Indians," etc., etc., have handed the same to the Governor.

J. W. PUGH,
Chairman.

FURTHER REPORT FROM ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Enrolling Committee beg leave to report that they have handed to the Governor, for his approval, Council Bill No. 54, "An Act authorizing Wm. H. Dickson, and others, to establish and maintain a Toll Road."

Also, Council Bill No. 47, "An Act relative to Money of Account and Interest."

Also, Council Bill No. 50, "An Act to audit the Claim of Marcus D. Larrowe, and to provide for the Payment of the same."

Also, as correctly enrolled, Council Bill No. 49, "An Act relative to District Attorneys," and have handed the same to the Governor.

J. W. PUGH,
Chairman of Enrolling Committee.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Carson City, November 28th, 1861. }

To the Council of Nevada Territory:

I have this day approved the following bills:

"An Act to prohibit the Marriage and Cohabitation of Whites with Indians, Mulattoes, Chinese, and Negroes."

"An Act authorizing the Reward of One Thousand Dollars for the Apprehension of Wm. Mayfield, and providing for the Payment of the same."

"An Act authorizing Wm. H. Dickson, and others, to establish and maintain a Toll Road."

"An Act to audit the Claim of Marcus D. Larrowe, and to provide for the Payment of the same."

"An Act relative to District Attorneys."

"An Act relating to Marriage and Divorce."

"An Act in relation to Money of Account and Interest."

JAMES W. NYE,

Governor of the Territory of Nevada.

Mr. Hannah offered the following resolution :

Resolved, by the Council, that the Secretary of the Territory be and is hereby authorized to pay out of the Legislative Fund the sum of of sixty-nine dollars and fifty cents to Noah T. Carpenter and P. E. Shannon, for extra services rendered in their respective offices, as Sergeant-at-Arms, and Assistant Sergeant-at-Arms, in the case of the contested election of Geo. W. Hepperly *vs.* Solomon Geller.

Adopted.

Council went into Committee of the Whole.

Mr. Grier, Chairman of the Committee of the Whole, made the following report:

MR. PRESIDENT:—Your committee, to whom was referred House Bill, "An Act concerning County Assessors," beg leave to report the same back to the Council, and recommend its indefinite postponement.

Also, Council Bill No. 68, "An Act to audit the Claim of Adolphus Waitz," beg to report the same back to the Council, and recommend its passage.

Also, House Bill, "Fixing the time for the Meeting of the next Legislature," beg leave to report the same, with amendments, and recommend its passage.

Also, House Bill, "To provide for the Appointment and prescribe the Duties of Guardians," beg leave to report the same back, with the recommendation that it pass.

Also, Council Bill No. 79, in reference to "Fees of the Governor's Private Secretary," beg leave to report the same back

to the Council, with amendments, and recommend its passage.

Also, Council Bill No. 55, "to audit the claim of E. C. Dixon," beg leave to report the same back to the Council and recommend its passage.

Also, Council Bill No. 75, "concerning Placer and Nevada Wagon Road Bill," beg leave to report the same back to the Council, and recommend its indefinite postponement.

Also, House Bill, "to change the name of Calvin Smith to Babbitt Smith," beg leave to report the same back to the Council, and recommend its passage.

Also, House Bill, "An Act for the relief of David Hanson," beg leave to report the same, being deferred till to-morrow.

Also, House Bill, "to pay Kinkhead and Harrington," beg leave to report the same back to the Council, and recommend its passage.

Also, House Bill "for the relief of P. H. Clayton," beg leave to report the same back to the Council, and recommend its passage.

Also, House Bill, "An Act concerning County Treasurers," beg leave to report the same to the Council with amendments, and recommend its passage.

Also, House Bill, "relative to Public Records," beg leave to report the same to the Council, as indefinitely postponed.

Also Council Bill No 76, "An Act allowing E. H. Comstock and others, to construct a Toll Road," beg leave to report the same back to the Council, and recommend its passage.

Also, House Bill, "to provide for the Publication of the Laws in the *Silver Age*," beg leave to report the same to the Council with amendments, and recommend its passage.

Also, House Bill, "making appropriations for certain Legislative Expenses," beg leave to report the same with amendments to the Council, and recommend its passage.

Also, Council Bill No 48, "An Act to increase the per diem of the Members of the Legislature," and recommend its indefinite postponement.

Also, House Bill, "concerning Territorial Prison Bill," beg leave to report the same back to the Council, and recommend that the bill pass.

Also, House Bill, "to allow and audit the claim of David Hanson," beg leave to report the same back to the Council, with the recommendation that it pass as amended.

Also, House Bill, "to increase the Representation of the

Legislature," beg leave to report the same back to the Council, recommending its passage.

Also, House Bill, "to provide for taking the Census," beg leave to report the same back to the Council, recommending its passage.

Also, House Bill, "to audit the claim of Wasserman & Co.," beg leave to report the same, recommending its passage.

Also, House Bill, "An Act authorizing the construction of a Toll Road from Virginia City to Truckee Meadows," beg leave to report the same, recommending its passage.

Also, House Bill, "creating Notaries and defining their Duties," beg leave to report the same back to the Council, recommending its passage.

Also, House Bill, "making an appropriation for the Boundary Survey," beg leave to report the same back to the Council, recommending the bill do pass.

J. W. GRIER,

Chairman of Committee of the Whole.

On motion, House Bill, "An Act concerning County Assessors," was indefinitely postponed.

Rules suspended, and House Bill, "An Act defining the time of the Meeting of the next Legislature," read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Pugh—1.

So the bill passed.

Rules suspended, and the following bills were read third time and placed on their final passage :

Council Bill No. 68, "An Act to audit the Claim of Adolphus Waitz."

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act prescribing the Duties of Guardians," Etc., Etc.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 79, "An Act authorizing the Private Secretary of the Governor to receive certain Fees," Etc., read third time, and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 55, "An Act to audit the Claim of E. C. Dickson."

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Council Bill No. 75, "An Act granting to certain parties the right to construct a Toll Road to Placerville and Nevada Territory."

Its indefinite postponement recommended.

Shall the bill be indefinitely postponed?

Ayes and nays demanded, with the following result: Ayes, 8—nay, 1:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nay—Mr. Luther—1.

So the bill was indefinitely postponed.

House Bill, "An Act to change the name of Calvin Smith, to Calvin Smith Babbit," was read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act to audit the Claim of David Hanson," was laid over *pro tem*.

House Bill, "An Act to audit the Claim of Kinkead and Harrington" was read a third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result: Ayes, 6—nays, 3:

Ayes—Messrs. Grier, Hannah, Luther, Pugh, Roop, and Stewart—6.

Nays—Messrs. Geller, Pray, and Van Bokkelen—3.

So the bill passed.

House Bill, "An Act to audit the Claim of H. P. Clayton," placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill, "An Act in relation to County Treasurers," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

House Bill "An Act relating to Public Records," placed on its final passage, as amended.

Shall the bill pass?

Ayes and nays were demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Also, Council Bill "An Act granting to Eri H. Comstock and Others, a right to construct a Toll Road and Bridges, and fix the Rates of Toll on the Same," placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Also House Bill "An Act to provide for the Printing of the Territorial Laws," placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Luther—1.

So the bill passed.

Also House Bill, "An Act making Appropriations for certain Legislative Purposes," placed on its final passage, as amended. The title to read "An Act increasing the Salary of certain Attachés of the Legislative Assembly."

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, and Roop—5.

Nays—Messrs. Pray, Stewart, and Van Bokkelen—3.

So the bill passed.

Council Bill No. 48, "An Act to increase the *Per Diem* of the Members of the Legislature," recommended to be indefinitely postponed.

Shall the bill be indefinitely postponed?

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, 1:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh
Stewart, and Van Bokkelen—8.

Nay—Mr. Roop—1.

So the bill was indefinitely postponed.

House Bill "An Act relative to a Territorial Prison," was
placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh,
Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act to audit the Claim of David Hanson,"
was taken from the table for reconsideration, read third time,
amended, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh,
Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act to increase the Representation of the
Legislature of Nevada Territory," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act to audit the Claim of S. Wasserman & Co." placed on its final passage.

Shall the bill pass :

Ayes and nays were demanded, with the following result :
Ayes, 8—noes, none :

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act authorizing the construction of a Toll Road from Virginia City to the Truckee River," placed upon its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result :
Ayes, 8—nays, none :

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act to provide for the appointment of Notaries Public," placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result :
Ayes, 8—nays, none :

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act relative to the Survey of the Boundary Line from Lake Bigler to Esmeralda," placed on its passage as amended.

Shall the bill pass?

Ayes and nays were demanded with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

House Bill, "An Act to provide for taking the Census and apportioning the Representation of the Legislative Assembly," read third time, and placed on its final passage.

Shall the bill pass?

Ayes and nays demanded, with the following result: Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 27th, 1861.

To the Honorable, the Council:

The House this day concurred in the Council's amendments to the House Bill entitled, "An Act relating to Sheriffs."

Also, to the House Bill entitled, "An Act concerning Coroners."

Also, to the House Bill entitled, "An Act to create the Virginia City Gas Company."

I return herewith the Council Bill entitled, "An Act concerning the Records in the Office of Recorders of Mining Districts," the House having rejected the same.

I transmit herewith, for the concurrence of your honorable body, the following House Bills, entitled, "An Act to provide a Seal for the Territory of Nevada."

"An Act relative to the Printing of the Session Laws and Legislative Assembly Journals."

I return herewith the following Council Bills, the same having passed the House without amendment.

"An Act creating the Office and defining the duties of Territorial Treasurer."

"An Act to regulate Surveyors and Surveying."

"An Act concerning Offices."

"An Act to provide for the filling of Vacancies in Office."

"An Act to audit the Claims of the Judges, Inspectors, and Clerks of the last Election, and to provide for the Payment of the same."

"An Act establishing a Common School System for the Territory of Nevada."

"An Act creating the Office and defining the Duties of Territorial Auditor."

I also return herewith the Council Bill entitled, "An Act to prevent the Accumulation and Deposit of Sawdust, or other refuse from Saw Mills, etc., in Streams," the House having passed the same, after amending the 1st Section, by adding thereto the words: "*Provided*, that nothing in this Act shall be so construed as to conflict with the rights of any Quartz Mill within this Territory."

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion that the Council concur in the amendment offered by the House to Council Bill, "An Act to prevent the Accumulation and Deposit of Sawdust or other refuse from Saw Mills," etc., the ayes and nays were demanded with the following result: Ayes, 7—nay, 1:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Stewart, and Van Bokkelen—7.

Nay—Mr Luther—1.

Absent—Mr. Roop—1.

So the amendment was concurred in.

Rules suspended, and House Bill, "An Act to provide a Seal for the Territory of Nevada," was passed to its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Absent—Mr. Roop—1.

So the bill passed.

Rules suspended, and House Bill, "An Act relative to the Printing of the Session Laws and Legislative Assembly Journals," passed to its several readings and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 8—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Stewart, and Van Bokkelen—8.

Nays—None.

Absent—Mr. Roop—1.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 28, 1861.

To the Honorable, the Council.

I return, herewith, the House Bill entitled "An Act making Appropriations for certain Legislative Expenses," the House

having concurred in all the Council amendments made thereto, with the exception of the amendment increasing the compensation of the Sergeant-at-Arms and Messengers of the two Houses.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion that the Council recede from their amendment to House Bill, "An Act making Appropriations for certain Legislative Expenses."

Ayes and nays were demanded, with the following result:
Ayes, 5—nays, 3:

Ayes—Messrs. Geller, Grier, Hannah, Luther, and Pugh—5.

Nays—Messrs. Pray, Stewart, and Van Bokkelen—3.

Absent—Mr. Roop—1.

So the Council receded from their amendment.

Mr. Pugh, Chairman of the Joint Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Enrolling Committee, to whom was referred Council Bills, Nos. 19, 58, 67, 63, and 69.

Also, Council Bill No. 2, "An Act to regulate Proceedings in Civil Cases," beg leave to report the same as correctly enrolled.

J. W. PUGH,
Chairman Enrolling Committee.

On motion, Council adjourned.

Approved.

J. L. VAN BOKKELEN,
President.

Attest:

H. SMEATHMAN,
Secretary.

FORTY-NINTH DAY'S PROCEEDINGS.

COUNCIL CHAMBER,
November 29, 1861. }

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Prayer by the Chaplain.

Journal read and approved.

REPORT OF CONFERENCE COMMITTEE.

MR. PRESIDENT:—The Conference Committee, to whom was referred Council Bill No. 65, beg leave to report the following substitute for Secs 2 and 3:

SEC. 2. The First Judicial District shall embrace the counties of Storey and Washoe; the Second Judicial District shall embrace the counties of Ormsby, Douglas, and Esmeralda; and the Third Judicial District shall embrace the counties of Lyon, Churchill, Humboldt, and Lake.

SEC 3 The Hon Gordon N. Mott, Associate Justice of the Supreme Court, is hereby assigned to the First Judicial District; the Hon. George Turner, Chief Justice of the Supreme Court, is hereby assigned to the Second Judicial District; and the Hon. Horatio N. Jones, Associate Justice of the Supreme Court, is hereby assigned to the Third Judicial District.

Your committee have made some slight changes in the Terms of Court, so as to correspond with the assignment of the Judges; and they have also agreed to House amendment of the last section of the bill.

WM. M. STEWART,
J. W. PUGH,
I. M. LUTHER.

On motion that the report of the Conference Committee be concurred in

Ayes and nays were demanded with the following result:
Ayes, 4—nays, 5:

Ayes—Messrs. Grier, Hannah, Pugh, and Stewart—4.

Nays—Messrs. Geller, Luther, Pray, Roop, and Van Bokkelen—5.

So the report was rejected.

Mr. Geller moved a reconsideration of the vote on the acceptance of the report of Conference Committee on above Council Bill No. 65.

Rules suspended, and vote reconsidered.

Shall the report be received and concurred in?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pugh, and Stewart—6.

Nays—Messrs. Pray, Roop, and Van Bokkelen—3.

So the report was concurred in.

On motion that the amendment offered by the House to Council Bill No. 65, changing the County Seat of Lyon County to Dayton, be concurred in.

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, 3:

Ayes—Messrs. Geller, Luther, Pray, Pugh, Roop, and Van Bokkelen—6.

Nays—Messrs. Grier, Hannah, and Stewart—3.

So the amendment was concurred in.

Mr. Pugh, Chairman of the Joint Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Joint Enrolling Committee to whom was referred Council Bill No. 45, "An Act to Incorporate the Carson City Gas Company."

Also, No. 60, "An Act to Incorporate the Humboldt River Ferry Company," as correctly enrolled.

Also, Council Bill No. 74, "An Act in relation to Common Schools."

Also, Council Bill No. 14, "An Act in relation to Territorial Treasurer."

Also, Council Bill No. 71, "An Act to audit the Claims of the Judges, Inspectors, and Clerks of the last Election."

Also, Council Bill No. 78, "An Act to provide for the filling of Vacancies in Office." as correctly enrolled.

Also, Council Bill No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

Also, Council Bill No. 32, "An Act relating to Surveyors and Surveying."

Also, Council Bill No. 11, "An Act in relation to Territorial Auditor."

Also, House Bill, "An Act increasing the Salaries of certain Attachés of the Legislative Assembly."

J. W. PUGH,
Chairman Enrolling Committee.

Mr. Stewart, without previous notice, by leave, introduced Council Bill No. 81, "An Act relative to the holding of Terms of the Probate Court."

Rules suspended, and bill passed through its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:
Ayes, 6—nays, none:

Ayes—Messrs. Grier, Pray, Pugh, Roop, Stewart, and Van Bokkelen—6.

Nays—None.

Absent—Messrs. Geller, Hannah, and Luther—3.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 28th, 1861.

To the Honorable, the Council:

I transmit, herewith, the House Bill entitled "An Act relating to Elections and the mode of supplying Vacancies," the Governor having returned the same, requesting certain corrections, (a copy of which is herewith transmitted) which the House complied with, making the amendments, and again

passed the bill. The concurrence of your honorable body is respectfully requested.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

COPY OF GOVERNOR'S MESSAGE.

TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
Carson City, November 27th, 1861. }

To the House of Representatives of Nevada Territory:

The Act entitled "An Act relating to Elections and the mode of supplying Vacancies," I return to your honorable body, in which it originated, as you will observe there are several errors which require correction.

In Sec. 10, 7th line, strike out "person or persons," and insert "election of officer or officers."

Sec. 22, confers Judicial power in the County Commissioners, which is at variance with the provisions of the Organic Act.

Sec. 24, in third line, strike out the words "make or."

Sec. 30, improperly provides for a determination by lot, in the case of a tie vote, whereas provision should be made for a new election.

Sec. 33, improperly provides for filling vacancies in office, by Board of County Commissioners.

Sec. 34, improperly confers power upon subordinate officers to canvass the votes, and to order an election in case of a tie vote, and the time for such special election should be made longer.

Secs. 40, 41, 42, and 43, improperly invest the Board of County Commissioners with judicial functions. In the matter of contests as to the right to office, the power should be given to the Probate Court at a general or special term, to hear and decide the same, with the right of the party feeling aggrieved by such decision to take an appeal to the District Court.

Sec. 46, in 3d line of the fourth subdivision, after the words "of the," insert "Territory."

Sec. 48, after the word "election," in 2d line, insert "or which the Governor, subject to confirmation of the Legislative Council is authorized to fill," and at the end of the section add as follows: "and when no other provision is made by law to supply such vacancies, the Governor is hereby authorized to supply the same by appointment, which shall continue, if an elective office, until an election by the people at the next gene-

ral election and qualification according to law of the successor of such office."

JAMES W. NYE,
Governor of the Territory of Nevada.

On motion, that the Council concur in the amendments offered by the Governor to the House Bill.

Ayes and nays demanded, with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Grier, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—Messrs. Geller and Hannah—2.

So the amendments were concurred in.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 28th, 1861.

To the Honorable the Council:

I transmit herewith for the concurrence of your honorable body the Act entitled "An Act creating Offices in the Territory of Nevada," the same having been returned to the House by the Governor, with his objections, (which are herewith transmitted). The House has amended the Act, so as to leave out the features objectionable to the Governor, and again passed the same as amended. Your early action on this important bill is requested.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

COPY OF GOVERNOR'S MESSAGE.

TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
Carson City, Nov. 27th, 1861.

To the House of Representatives of Nevada Territory:

TO YOUR HONORABLE BODY:—I return the Act entitled, "An Act creating Offices in the Territory of Nevada," which has been presented for my approval. While regretting the necessity, I feel it my duty to point out its material defects, which seem to have escaped your notice.

The Act provides for the creating of the offices of Territorial

Treasurer, Territorial Auditor, and Territorial Superintendent of Public Instruction, and further provides that these offices shall be filled at an election by the people. This, it will be seen, is clearly at variance with the provisions of the Organic Act.

Sec. 7, provides as follows: "All township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory," or, in other words, all township, district, or county officers may be elected or appointed as may be provided by law; but no such authority is given with reference to other officers than those above specified. Any territorial office which may be created by law is unquestionably made subject to the provisions of Sec. 7, as contained in the second subdivision of that section, which reads as follows: "The Governor shall nominate, and by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for." That is, the law may provide the manner in which all county, township, or district officers shall be elected or appointed; but that any Territorial office, created by the Legislature, can only be filled by the nomination of the Governor and confirmation of the Legislative Council.

I would greatly prefer, if the terms of the Organic Act would so allow, that these as well as all other officers, were made elective by the people, as otherwise, there is imposed on the Executive a great responsibility in making suitable selection of incumbents to office. Yet I cannot refuse compliance with the terms of the Organic Act, and which, in this instance, are made so manifest; and hence, can but ask your concurrence in remedying these obvious errors found in the Act which I return to you.

JAMES W. NYE,
Governor of the Territory of Nevada.

On motion that the Council concur in the amendments offered by the Governor to the above House Bill.

Ayes and nays demanded with the following result: Ayes, 7—nays, none:

Ayes—Messrs. Grier, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nays—None.

Absent—Messrs. Geller and Hannah—2.

So the amendments were concurred in.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
Carson City, Nov. 29th, 1861. }

To the Honorable the Council:

The House, this day, concurred in the Council's amendment to the House Bill entitled "An Act relative to the Western Boundary Line from Lake Bigler to Esmeralda County."

The House, this day, concurred in the Council's amendments to the House Bill entitled "An Act to grant the right to construct a Toll Road from Virginia City to Truckee Meadows."

The House concurred in the Council's amendments to the House Bill entitled "An Act for the relief of David M. Hanson."

I transmit, herewith, the following entitled House Bills for your concurrence :

"An Act to audit the Claim of J. Williams, and to provide for the Payment of the Same."

"An Act supplemental to and amendatory of 'An Act relating to Elections and the mode of supplying Vacancies.'"

I return, herewith, the following entitled Council Bills, the House having passed the same, without amendment :

"An Act authorizing the Private Secretary of the Governor to demand and receive certain Fees."

"An Act to audit the Claim of Adolphus Waitz, and to provide for the Payment of the Same."

"An Act to audit the Claim of E. C. Dickson."

"An Act to authorize Eri H. Comstock and Others, to maintain a Toll Road and Bridges, and to fix the Rates of Toll on the Same."

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Rules suspended, and House Bill, "An Act amendatory of 'An Act relating to Elections and the mode of supplying Vacancies,' " passed through its several readings and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following results:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861. }

To the Honorable the Council:

I, herewith, transmit the following resolution, the House having passed the same this day:

Resolved, By the House, (the Council concurring,) that the Speaker of the House and President of the Council, declare their respective Houses adjourned *sine die*, at precisely 12 o'clock, *midnight*, this day, Nov. 29th, 1861.

Respectfully,

SAML. E. WETHERILL,
Assistant Clerk.

Rules suspended, and the above House Resolution passed through its several readings and was placed on its final passage.

Ayes and nays were demanded, with the following result:
Ayes, 9—nays none

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution was adopted.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 29th, 1861. }

To the Honorable, the Council:

I transmit herewith two several concurrent resolutions relative to the veto power of the Governor, and also in relation to a Distributing Post Office in this Territory.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

Rules suspended, and the above House Concurrent Resolutions, "Relative to the Veto Power of the Governor," passed its several readings, and was placed on its final passage.

Shall the resolution pass?

Ayes and nays were demanded, with the following result:
Ayes, 2—nays, 6:

Ayes—Messrs. Grier and Hannah—2.

Nays—Messrs. Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—6.

Absent—Mr. Geller—1.

So the resolution was lost.

Rules suspended and House Concurrent Resolution, "In relation to a Distributing Post Office in this Territory," was passed through its several readings, and placed on its final passage.

Shall the resolution pass?

Ayes and nays were demanded with the following result:
Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution passed.

FURTHER COMMUNICATIONS FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861. }

To the Honorable the Council:

The House has this day concurred in the Council's Concurrent Resolution, relative to the payment of Mr. Fox for the papers supplied the Legislative Assembly.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861. }

To the Honorable the Council:

The House has this day adopted the report of the Conference

Committee, as transmitted to the House, on the bill entitled, "An Act defining the Judicial Districts, fixing the Terms of the Supreme and District Courts of the Territory, locating the County Seats," etc.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

HOUSE OF REPRESENTATIVES, }
Carson City, Nov. 29, 1861. }

To the Honorable the Council:

The House this day passed the Council Bill, entitled "An Act in relation to holding Terms of the Probate Court," without amendment, which I herewith transmit.

WM. MARTIN GILLESPIE,
Clerk.

Mr. Pugh, Chairman of the Enrolling Committee, made the following report:

MR. PRESIDENT:—Your Joint Enrolling Committee report Council Bill No. 80, "Concerning Officers."

Also, Council Bill No. 77, "In relation to the Purity of Streams of Water."

Also, Council Bill No. 32, "An Act in relation to Surveyors and Surveying."

Also, Council Bill No. 11, "In relation to Territorial Auditor."

Also, Council Bill No. 59, "An Act to increase the Compensation of Judges," as correctly enrolled, and have handed the same to the Governor.

J. W. PUGH,
Chairman of Enrolling Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Carson City, Nov. 28, 1861. }

To the Honorable, the Council:

The House this day concurred in the Council's amendments to the House Bill, entitled "An Act concerning Roads and Highways."

The House also concurred in the Council's amendment to the House amendment to the Council Bill, entitled "An Act to

Increase the Compensation of the Supreme Judges of this Territory for the transaction of Territorial business."

The House receded from its amendment to the Council Bill entitled "An Act authorizing the formation of Corporations for the construction of Plank, or Turnpike, and Wagon Roads."

The House this day appointed Messrs. Mills, Ford, and Teall, as a committee to confer with a like committee from the Council on the matters of difference in the Council Bill entitled "An Act defining the Judicial Districts, and assigning the Judges therefor," etc.

The House have agreed to the report of the Conference Committee, on the Council Bill entitled "An Act to authorize the Secretary of the Territory to receive Compensation for certain duties pertaining to his Office," which reads as follows:

Sec. 1, stands as in original in Council Bill, for issuing certificate, \$1 00.

Sec. 2, stands as amended in the House, at \$5 00.

Sec. 3, stands as amended in the House, at 30 cents per folio.

Sec. 4, stands as original in Council Bill, \$1 00.

[Signed by the committee.]

The House concurred in the Council's amendments to the House Bill, entitled "An Act to fix the Time of the Meeting of the Legislature of the Territory of Nevada."

The House concurred in the Council's amendment to the House Bill, entitled "An Act relative to the Public Records."

The House concurred in the Council's amendment to the House Bill, entitled "An Act to provide for the Publication of the Laws of the Territory of Nevada."

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion to concur in the report of the Conference Committee to Council Bill No. 16, "An Act authorizing the Secretary of the Territory to receive certain Compensation," the ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the report was concurred in.

On motion, the vote on the House Bill entitled "An Act authorizing certain parties to construct a Railroad from Virginia City to Washoe Valley," was reconsidered, and the bill again put on its final passage.

Shall the bill pass?

Ayes and nays demanded with the following result: Ayes, 7—nay, 1:

Ayes—Messrs. Geller, Grier, Hannah, Pugh, Roop, Stewart, and Van Bokkelen—7.

Nay—Mr. Luther—1.

Absent—Mr. Pray—1.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 29th, 1861. }

To the Honorable the Council:

By a mistake in the House Journal the Clerk sent an erroneous message to your honorable body, stating that the House "receded" from its amendment to the Council Bill entitled, "An Act to provide for the formation of Corporations for the construction of Roads," Etc. It should have read "have refused to recede" from their amendments.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council refused to concur in the House's amendments to the bill.

On motion, the bill was indefinitely postponed.

Mr. Pugh offered the following resolution:

Resolved, That the account of engrossing and enrolling done for the Council, during the present session, is hereby audited and allowed, and that there be a committee of two appointed to examine said account. That the Secretary of the Territory be ordered to pay the same, after said account shall be examined and a certificate to that effect be signed by the President of the Council.

Adopted.

Chair appointed Messrs. Pugh and Pray, Auditing Committee.

Mr. Pugh offered the following resolution :

Resolved, That the thanks of the Council are hereby tendered to A. J. Marsh, reporter of the Sacramento *Union*, for the able and correct reports of the Proceedings of the Council.

Adopted.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:—Your Joint Enrolling Committee have examined Council Bill No. 55, "An Act to audit the Claim of E. C. Dickson," and find the same correctly enrolled.

J. W. PUGH,

Chairman of Enrolling Committee.

Rules suspended, and House Bill, "An Act relative to the sending a Commissioner to the World's Fair, to be held in London, May, 1862," read third time and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result :
Ayes, 9—nays, none.

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Mr. Hannah offered the following resolution :

Resolved, By the Council, (the House concurring,) that the Secretary of the Territory be, and is hereby, authorized to pay Messrs. Lewis & Sewall, the sum of ninety-six dollars, (\$96) for thirty-two copies of the *Silver Age*, furnished, daily, to the Legislative Assembly. Also, to the "Lye Association," the further sum of forty-eight dollars, (\$48) for (32) thirty-two copies of the *Silver Age*, furnished daily, from Nov. 12th to Nov. 29th, 1861.

The above concurrent resolution was passed through its several readings, and placed on its final passage.

Shall the resolution be adopted?

Ayes and nays demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution was adopted.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
November 28, 1861.

To the Honorable, the Council:

The House has, this day, disposed of the Council's amendments to the House Bill entitled "An Act to provide for the formation of Corporations for certain Purposes," as follows:

In Sec. 1, concurred in.

In Sec. 18, the amendment inserting the words, "and other legal holidays," concurred in. The amendment striking out the words, "or creditor," was nonconcurring in.

In Sec. 24, concurred in.

Striking out Sec. 25. of House Bill, and inserting new sections: 25, 26, 27, 28, 29, and 30, nonconcurring in.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council refused to recede from their amendments to House Bill, "An Act to provide for the formation of Corporations for certain Purposes."

On motion, House Bill, "An Act relative to the Support of the Poor," read third time, and placed on its final passage.

Shall the bill pass?

The ayes and nays were demanded with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

On motion, the following bills were indefinitely postponed:

House Bill, "In relation to County Assessors."

Also, House Bill, "An Act relative to the Nevada Valleys Railroad."

Also, Council Bill, "An Act to Incorporate the Carson and Humboldt Railroad Company."

Also, Council Bill, "An Act relative to Probate Courts."

Also, Council Bill, "An Act relative to Judgments and Executions at Law."

Also, Council Bill, "An Act relative to the Nevada and California Transportation Company."

Also, House Bill, "An Act creating a Board of Examiners."

Also, House Bill, "An Act relative to Hawkers and Peddlers."

Also, House Bill, "An Act relative to Fees to the Secretary of the Territory."

Also, House Bill, "An Act making Appropriations for certain Legislative Expenses."

Also House Bill, "An Act relative to the Indigent Sick."

Mr. Pugh offered the following resolution:

Resolved, That the thanks of the Council be presented to Mr. Oliver, the reporter of the *Silver Age*, for the able and impartial manner in which he has reported the Proceedings of the Council.

Adopted.

Mr. Hannah, without previous notice, and on leave, introduced Council Bill No. 82, "An Act providing for the Indigent Sick and Insane."

Rules suspended, bill read first, second, and third times and, by unanimous consent, placed on its final passage.

Shall the bill pass?

The ayes and nays demanded, with the following result:
Ayes, 9—noes, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }
Nov. 29, 1861.

To the Council of Nevada Territory :

I have this day approved of the following bills :

No. 19, "An Act to provide for Assessing and collecting County and Territorial Revenue."

No. 74, "An Act establishing a Common School System for the Territory of Nevada."

No. 36, "An Act concerning Jurors."

No. 58, "An Act to create the Gold Hill and Silver City Gas Company."

No. 69, "An Act to appropriate Moneys from the Territorial Treasury, for the guarding of Prisoners in the Territory of Nevada."

No. 67, "An Act to provide Revenue for the Support of the Government of the United States."

No. 63, "An Act granting to certain parties the right to construct a Plank or Turnpike Road from Virginia City to Steamboat Valley."

No. 71, "An Act to audit the Claims of the Judges, Inspectors, and Clerks of the last Election, and to provide for the Payment of the same."

No. 45, "An Act to create the Carson City Gas Company."

No. 60, "An Act to incorporate the Humboldt Ferry Company."

No. 78, "An Act to provide for the filling of Vacancies in Offices."

No. 79, "An Act authorizing the Private Secretary of the Governor to demand and receive certain Fees"

No. 43, "An Act to incorporate the Virginia, Carson, and Truckee Railroad Company."

JAMES W. NYE,
Governor of the Territory of Nevada.

Mr. Stewart, without previous notice, by leave, introduced Council Bill No. 84, "An Act to fix the Salary of the Territorial Superintendent of Public Instruction."

Rules suspended, and the bill passed through its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and nays were demanded, with the following result:

Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861.

To the Honorable, the Council.

The House has this day passed the Council Concurrent Resolution relative to the payment of the *Silver Age* Association, for papers furnished the Legislative Assembly, with the following amendment:

Add thereto the words, "Also, to the proprietor of the *Territorial Enterprise*, the sum of \$144, for papers furnished the Legislative Assembly during the present session"

I return herewith the Council Bill entitled, "An Act providing for the care of the Indigent Sick and Insane," the House having rejected the same by an indefinite postponement

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

On motion, that the Council concur in the amendment offered by the House, on Council Concurrent Resolution relative to paying for papers furnished to the two bodies, the ayes and nays were demanded, with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the amendment was concurred in.

On motion, the Secretary was instructed to return to Mr. Roop, Council Bill No. 56, also Council Bill No. 72; also, to Mr. Stewart, the survey attached to Council Bill No. 37.

So returned.

REPORT OF ENROLLING COMMITTEE.

MR. PRESIDENT:— Your Joint Enrolling Committee, to whom was referred Council Bills, Nos. 16, 76, 79, and 14, beg leave to report the same as correctly enrolled.

J. W. PUGH,
Chairman of Enrolling Committee.

'COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861.

To the Honorable, the Council:

The House this day reconsidered the vote, refusing to recede from its amendments to the Council Bill, entitled "An Act to provide for the Formation of Corporations for the construction of Plank, Turnpike, and Wagon Roads," and by another vote, receded from its amendments to said bill.

Respectfully,

WM. MARTIN GILLESPIE,
Clerk.

On motion, the Council refused to take up the above Council Bill, "An Act to provide for the formation of Corporations for the construction of Plank, Turnpike, and Wagon Roads."

Mr. Hannah, without previous notice, by leave, introduced Council Bill No. 83, "An Act authorizing the Collection of Toll on Roads already constructed."

Rules suspended, and Council Bill No. 83, passed through its several readings, and placed on its final passage.

Shall the bill pass?

Ayes and noes were demanded, with the following result:
Ayes, 7—nays, 2:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Roop, Stewart, and Van Bokkelen—7.

Nay—Messrs. Luther and Pugh—2.

So the bill passed.

On motion, Council Bills, No. 11, "An Act in relation to Territorial Treasurer," and No. 14, "An Act relative to Terri-

torial Auditor," were taken up, read a third time, and placed on their final passage.

Shall the bill pass?

Ayes and nays were demanded, on Council Bill No. 11, "Territorial Auditor," with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

Ayes and nays were demanded, on the passage of Council Bill No. 14, "An Act relative to Territorial Treasurer," with the following result: Ayes, 9—nays, none:

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the bill passed.

COUNCIL CHAMBER.

November 29, 1861. }

To the Honorable the Council of Nevada Territory:

GENTLEMEN:—We the undersigned, beg leave to tender to you our best thanks, for the courtesy extended to us, since our official connection with you, it has been our aim and endeavor, to the utmost of our ability to fulfill our respective duties, and we trust that such endeavor meets your approval.

We have the honor to subscribe ourselves.

Yours respectfully,

H. SMEATHMAN,

Secretary of the Council.

WM H. BARSTOW,

Ass't Sec'ty of the Council.

Read and ordered to be placed on record.

COMMUNICATION FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEPT, }
 Carson City, Nov. 29, 1861.

To the Hon. Council of Nevada Territory :

I have this day approved the following bills :

"An Act to authorize the Secretary of the Territory to receive Compensation for performing certain Duties pertaining to his Office."

"An Act to increase the Compensation of the Supreme Judges of this Territory, for the transaction of Territorial Business."

"An Act to authorize Eri H. Comstock, and others, to maintain a Toll Road and Bridges, and fix the rates of Toll on the same."

"An Act to audit the Claim of Adolphus Waitz, and to provide for the Payment of the same."

"An Act defining the Judicial Districts, fixing the Terms of the Supreme and District Courts of the Territory, locating the County Seats of the several Counties of the Territory and providing for the Transfer and Trial of Actions."

"An Act in relation to holding Terms of Probate Courts."

"An Act to regulate Surveyors and Surveying."

JAMES W. NYE,
 Governor of the Territory of Nevada.

Mr. Hannah offered the following resolution :

Resolved, By the Council, (the House concurring,) that Isaac Roop and others be requested to collect as many of the old records connected with the early history, and also with the Provisional Government of Nevada Territory, as possible, and that the same be handed to the Governor for filing in the archives of the Territory.

Shall the resolution pass?

Ayes and noes were demanded with the following result:
 Ayes, 9—nays, none :

Ayes—Messrs. Geller, Grier, Hannah, Luther, Pray, Pugh, Roop, Stewart, and Van Bokkelen—9.

Nays—None.

So the resolution passed.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 Nov. 29th, 1861. }

To the Honorable the Council:

I return herewith the Council Bill entitled, "An Act to fix the Salary of the Territorial Superintendent of Public Instruction," the House having passed the same.

I also return herewith the following Council Bills, the House having concurred in the Council's amendments striking out the first sections in each, and again passed the same as amended:

"An Act creating the Office, and defining the Duties of Territorial Auditor."

"An Act creating the Office, and defining the Duties of Territorial Treasurer."

Respectfully,

WM. MARTIN GILLESPIE,
 Clerk.

FURTHER COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
 November 29th, 1861. }

To the Honorable the Council:

I return herewith the Council Bill entitled "An Act authorizing the collection of Toll on Roads already constructed," with amendments.

Respectfully,

WM. MARTIN GILLESPIE,
 Clerk.

On motion, that the Council concur in the amendments proposed by the House to above Council Bill, "An Act authorizing the collection of Toll on Roads already constructed, the ayes and nays were demanded, with the following result: Ayes, 8—nay, 1:

Ayes—Messrs. Geller, Grier, Hannah, Pray, Pugh, Roop, Stewart, and Van Bokkelen—8.

Nay—Mr. Luther—1.

So the amendments were concurred in.

REPORT OF AUDITING COMMITTEE.

COUNCIL CHAMBER,
November 29th, 1861. }

MR. PRESIDENT:—Your committee, appointed to examine the accounts of the Secretaries of the Council have examined the same and find the account correct.

J. W. PUGH,
A. W. PRAY.

Resolved, That the Secretary of the Territory be, and is hereby authorized, to pay the account, amounting to \$1,050 36.

A. W. PRAY,
J. W. PUGH.

Mr. Pugh offered the following :

Resolved, That the thanks of the Council be presented to our President, J. L. Van Bokkelen, for the able and impartial manner in which he has discharged the duties of his office.

Mr. Stewart in the Chair, *pro tem*.

Shall the resolution pass?

Ayes and nays were demanded, with the following result :
Ayes, 5—nays, 2 :

Ayes—Messrs. Geller, Luther, Pray, Pugh, and Roop—5.

Nays—Messrs. Hannah and Grier—2.

Excused—Mr. Stewart—1.

So the resolution passed.

REPORT OF ENROLLING COMMITTEE.

Mr. Pugh, Chairman of the Joint Enrolling Committee, made the following report :

MR. PRESIDENT:—Your Joint Enrolling Committee to whom was referred Council Bill No. 82, beg leave to report the same correctly enrolled.

J. W. PUGH,
Chairman Committee.

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }
Nov. 29th, 1861. }

To the Honorable, the Council :

The House have, this day, concurred in the passage of the

Council Concurrent Resolution relative to the collection of the Records of the Territory.

I return, herewith, the following entitled Council Bills, the House having indefinitely postponed action on the same.

"An Act granting to certain Parties the Right to construct a Toll Road up Carson Valley."

"An Act providing for a Territorial Seal."

Respectfully,

WM. MARTIN GILLESPIE,

Clerk.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, }

Carson City, November 29th, 1861. }

To the Council of Nevada Territory:

I have, this day, given my approval to the Act originating in your honorable body, entitled "An Act to regulate Civil Proceedings in the Courts of Justice of Nevada Territory."

In announcing my approval of this Act, I deem it just to myself that you may be informed of the circumstances which alone induce me to sanction this bill. This is properly regarded as an Act of more universal necessity and public need, than probably all other matters of legislation which have occupied your attention during the present session of the Legislature; and without some legislation in providing a code of procedure in civil cases, it may be a matter of grave question whether your courts would be able to fulfill the purpose of their creation.

This Act is the most lengthy one of the session, embracing 715 sections, and only came to me at a late hour of last evening, and when other acts of your Legislature were demanding examination at my hands. Thus, no time is left for the return of the bill for correction, and I am compelled to either deny to the Courts and people, the benefit of a code of laws regulating civil actions, or give sanction to this, with all its material defects and errors. Under these circumstances, I have concluded, though with great reluctance, to approve the Act, and enter my protest against a law which seeks to invest Courts and officers with authority and power in some respects wholly at variance with the Constitution of the United States, and with the Territorial Organic Act, and so many errors in the enrolling of it, numbering probably more than three hundred, and in many respects such as to render meaningless and inoperative, material features of the Act.

I trust that I shall never again be required, under similar embarrassing circumstances to consider any Act of the Legislature of the Territory.

JAMES W. NYE,
Governor of the Territory of Nevada.

Mr. Pugh offered the following resolution :

Resolved, That the thanks of the Council are hereby tendered to Mr. Curry for the many favors received from him during the session of the Council.

Adopted.

Mr. Pugh offered the following resolution :

Resolved, That the thanks of the Council are hereby tendered to the Secretary, Mr. Smeathman, and his assistant, Mr. Barstow, for the able manner in which they have discharged the duties of their respective offices.

Unanimously adopted.

Mr. Roop offered the following resolution :

Resolved, That the thanks of the Council be and are hereby tendered to Noah T. Carpenter, Sergeant-at-Arms, P. E. Shannon, Messenger, and Henry Lewis, Page of the Council, for the faithful manner in which they have discharged their duties in their respective positions.

Adopted.

COMMUNICATION FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEP'T, }
Carson City, Nov. 29th, 1861.

To the Council of the Territory of Nevada :

I have this day approved the following bills :

"An Act to audit the claim of E. C. Dixon."

"An Act to fix the Salary of the Territorial Superintendent of Public Instruction."

"An Act authorizing the Collection of Toll on Roads already constructed within the Territory of Nevada."

"An Act creating the Office and defining the Duties of Territorial Treasurer."

"An Act creating the Office and defining the Duties of Territorial Auditor."

"An Act concerning Officers."

JAMES W. NYE,
Governor of Nevada Territory.

Mr. Pugh, offered the following resolution :

Resolved, That the thanks of the Council be tendered to his Excellency, Governor Nye, for his prompt and energetic manner in transacting business, and for his kind and courteous demeanor toward the Members of the Council.

Unanimously adopted.

Mr. Hannah offered the following resolution :

Resolved, By the Council, that the Secretary of the Council be requested to wait upon the Governor and inform him that the Council has finished business and is now ready to receive any message he may be pleased to send to their body.

Adopted.

The Secretary waited upon his Excellency, the Governor, and communicated the substance of the above resolution.

COMMUNICATION FROM THE GOVERNOR.

TERRITORY OF NEVADA, EXECUTIVE DEPARTMENT, }
Carson City, Nov. 29th, 1861. }

To the Council of the Territory of Nevada:

GENTLEMEN:—In reply to your inquiry relative to further communications, etc, I have to say that I have no further business to transmit to your honorable body.

Thanking you for your services, and for the uniform courtesy with which you have treated me, and with an ardent desire for your future welfare, I bid you a respectful adieu.

JAMES W. NYE,

Governor of the Territory of Nevada.

Journal of this day read and approved.

The hour to adjourn having arrived, (as agreed upon by the two Houses), the President declared the Council adjourned, "*sine die*."

Approved.

J. L. VAN BOKKELEN,

President.

Attest: |

H. SMEATHMAN,

Secretary.

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